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12-18-03  
MARY A. WHITING  
ATTORNEY AT LAW  
214 SLOSSON AVENUE  
STATEN ISLAND, NEW YORK 10314  
TELEPHONE (718) 448-9599  
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VIA EXPRESS MAIL EU045442119US

December 17, 2003

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: Application No.: 10/666,934  
Title: BOB'S BORDER HELPER  
Inventors: Robert R. Pederson and James c. Cicconi, Sr.  
Filed: 1/30/2002

Dear Commissioner:

In response to the Notice of Incomplete Nonprovisonal Application dated 10/23/2003, my firm encloses the following:

- Check #1803 for \$130 (petition fee)
- Petition with Exhibits 1-24
- Certificate of Mailing (1 page)
- Postcard
- Transmittal Form (1 page)
- Fee Transmittal Form (1 page)

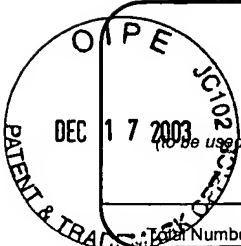
Please direct all correspondence to the address and phone number above.

Respectfully submitted,

Mary A. Whiting  
Attorney for the Applicants  
Reg. No. 30,601

Encs:

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	<b>TRANSMITTAL FORM</b>		
	Application Number	10/666,934	
	Filing Date	1/30/2002	
	First Named Inventor	Robert R. Pederson	
	Art Unit		
(To be used for all correspondence after initial filing)		Examiner Name	
Total Number of Pages in This Submission <b>86</b>		Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): cover letter, postcard, cert. mailing
Remarks Applicants also filed Repsonse to Missiing Parts today under separate cover via Express Mail		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mary A. Whiting, <i>ESQ.</i> 214 Slosson Avenue Staten Island, N.Y. 10314 phone 718 448 9599, fax 718 447 8299
Signature	<i>Mary A. Whiting, Esq.</i>
Date	12/17/2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. <b>EXPRESS MAIL EVO 45442119US</b>			
Typed or printed name	MARY A. WHITING, ESQ.		
Signature	<i>Mary A. Whiting, Esq.</i>	Date	12/17/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

## Compleat if Known

Application Number	<u>10/666,934</u>
Filing Date	<u>1/30/2002</u>
First Named Inventor	<u>ROBERT R. PEDERSON</u>
Examiner Name	
Art Unit	
Attorney Docket No.	

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	<u>130</u>
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			<u>130</u>

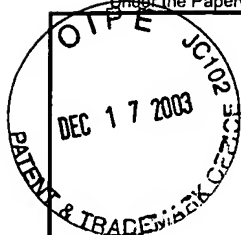
## SUBMITTED BY

Name (Print/Type)	<u>MARY A. WHITING, ESQ.</u>	Registration No. (Attorney/Agent)	<u>30,601</u>	Telephone (718)	<u>448-9599</u>
Signature	<u>Mary A. Whiting, Esq.</u>	Date	<u>12-17-2003</u>		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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P.O. Box 1450  
Alexandria, VA 22313-1450

on 12/17/2003  
Date

*Mary A. Whiting, Esq.*

Signature  
*MARY A. WHITING ESQ.*  
*ATTORNEY FOR APPLICANTS - PETITIONERS*

Typed or printed name of person signing Certificate

*214 SLOSSON AVENUE*  
*STATEN ISLAND, NY 10314*  
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*Cover letter*  
*POSTCARD*  
*CHECK # 1803 for \$130*

*PETITION WITH EXHIBITS 1-24*  
*TRANSMITTAL FORM*  
*FEE TRANSMITTAL FORM*

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/666,934

Inventors: ROBERT R. PEDERSON AND JAMES C. CICONI, SR.

Filing Date: 1/30/2002

Title: BOB'S BORDER HELPER

**PETITION TO THE COMMISSIONER**

**FOR REINSTATEMENT OF 1/30/2002 FILING DATE**

Applicants, Robert R. Pederson and James C. Cicconi, Sr., in response to Notice of Incomplete Nonprovisional Application dated October 23, 2003, respectfully submit this Petition to the Commissioner in order to have the original 1/30/2002, filing date of this utility application reinstated.

Since this utility application was filed by Applicants without the aid of counsel, (*pro se*), there were errors in its wording, structure and drawings. Accordingly, a corrected specification, with claims and drawings were submitted with the Notice of Incomplete Nonprovisional Application to Mail Stop Missing Parts, along with check #1804 for \$220 on December 17, 2003, (copies of new specification and claims attached as Exhibit 1, new drawings as Exhibit 2, check #1804 for \$220 as Exhibit 21, cover letter as Exhibit 22, supplemental declaration as Exhibit 23, and power of attorney as Exhibit 24).

Although not in proper form, the original application was complete and it should be given the original 1/30/2002 filing date. The following Petition shall set forth the facts and documentation that prove this.

Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
Title: Bob's Border Helper  
Petition to the Commissioner

## 1. STATEMENT OF FACTS

This is a very unusual set of facts, since the inventors filed two applications simultaneously without the aid of an attorney (*pro se*). The Applicants hired an attorney after they were advised to do so in the first Official Action by Examiner Charles Nelson<sup>1</sup>.

The facts will be discussed in chronological order, to make Applicant's Petition clear to follow. A review of the facts proves that the original filing date of 1/30/2002, should be reinstated for this utility application 10/666,934.

The confusion appears to stem from the situation that the Applicants filed these applications *pro se* without the aid of counsel. Therefore, although the applications may not have been the most professional looking or organized applications, they were complete and did have all the required elements.

Applicants filed two sets of drawings, specifications, claims, return postcards, and two checks (check #321 for \$165 for the design application, and check # 322 for \$370 for this utility application. (See Exhibit 4 of this Petition.) While Applicants filed two complete applications, they did not staple the pages together. Admittedly, while the two application files were complete, it was confusing to determine which paper went with which application. The USPTO separated the filed papers. However, it was clear from the documents filed that two complete applications were indeed intended and filed.

The Applicants intended to file one utility and one design application. (See Applicants' Affidavits Exhibits 18 and 19). When the USPTO received this package, it mistakenly split it into two design applications. One application was given design

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<sup>1</sup> See Exhibit 3, copy of page 2 of Official Action dated 7/31/2002 for design application 29/155,798.

Application: 10/666,964  
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application number 29/155,978 and the other was given design application number 29/155,901 (this was later corrected and changed to utility application number 10/666,964) (Exhibit 15, Notice of Newly Assigned Application Number).

Copies of the documents originally submitted that the Applicants intended to be a utility application are submitted with this Petition in Exhibit 4 - 9. These include:

A. BOB'S BORDER HELPER ORIGINAL SPECIFICATION WITH CLAIM

(Page 2 of 3). The application number is printed on the left hand side of the page. (Exhibit 5).

B. ORIGINAL INSTRUCTIONS page. (Exhibit 6)

C. ORIGINAL FIGURES (Exhibit 7)

D. Design Patent Transmittal Form PTO/SB/18 (08-00). Applicants mistakenly used a design transmittal form. The application was correctly changed to utility application number 10/666,978. (Exhibit 8)

E. Check # 322 for \$370 (Exhibit 4)

F. Postcard (Exhibit 9)

G. Oath. Applicants did not keep a copy of the oath submitted. However, the Transmittal form has "oath" checked as submitted. (Exhibit 8).

On 2/27/2002 the USPTO mailed the filing receipt for this application (now 10/666,978 then 29/154,901), to Applicants (Exhibit 10). The filing receipt states that filing fee of \$165 was applied to this application, with 3 drawings, total claims equaling 1 claim, (as 1 independent claim). This shows a complete file was submitted. There was no indication that anything was wrong. The Applicants took the filing receipt and put it



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in their file. Since they did not have an attorney there were not aware that a design application number, (rather than a utility application number), had been given to their application that they intended to be a utility application. (See Applicants' Affidavits Exhibits 18 and 19).

Nor did the Applicants question why only \$165 of their \$370 check was applied to this application (especially since the check for \$370 was cashed by the USPTO.) The USPTO cashed the check #321 for \$165 and applied it to design application 29/155,978.

However, although the USPTO cashed check #322 for \$370, it did not apply that total amount of \$370 to the filing fee for the utility application. The Applicants intended check #322 of \$370 to pay for the utility application fee, which is why they made the amount of the check #322 for \$370, the exact amount of a small entity utility application fee. (See Affidavits of Applicants Exhibits 18 and 19).

A reimbursement check for \$165 of this \$370 was mailed to Applicants dated 4/20/2002 (check # 2040.63369905, Exhibit 13). Since the Applicants did not have an attorney, they did not question this reimbursement, and assumed the USPTO has acted correctly. (See Affidavits Applicants Exhibits 18 and 19). Instead, the USPTO had mistakenly reimbursed the Applicants for \$165. The UPTSO should have kept the total \$370 and applied it to this utility application.

Examiner Charles Nelson, in the first Official Action for the design application (Exhibit 3) advised the Applicants that they retain the advise of an attorney. Applicants retained Mary A. Whiting, Esq., a registered patent attorney 30,601 as their counsel for both applications. (Notice of Acceptance of Power of Attorney Exhibit 20).

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Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
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The Applicants did not keep copies of what they filed with the Patent Office. Therefore, this Petition includes a good faith effort on the part of the Applicants to re-create the documentation that the Applicants originally filed. Since Applicants did not keep accurate copies of what they filed, the documents submitted with this Petition were obtained by their counsel, Mary A. Whiting, Esq., requesting them from Examiner Nelson who faxed Applicants' counsel the contents of his file on 8/18/2003 (See cover sheet Exhibit 11).

Mary A. Whiting, Esq., Applicants' counsel, has discussed this case-file in depth with Supervisor Examiner Delores Coles. In a detailed fax dated August 13, 2003, (Exhibit 14), Applicant explained the history of this application to Examiner Coles and requested correction. (See Affidavit of Applicants' counsel Mary A. Whiting, Esq., Exhibit 12). Supervisor Examiner Coles has assured Applicants' counsel, Mary A. Whiting, Esq., that the USPTO would correct any mistakes that were made on behalf of the UPTO in order for Applicants to keep their original filing date. Ms. Whiting also assured Examiner Coles that she would correct the mistakes that her clients, the Applicants, had made.

In order to ensure that the utility application is maintained as a utility application and to maintain the original filing date, Supervising Examiner Delores Coles sent application 29/154,901 to the correction unit, where it was given the new correct utility application number 10/666,934 and maintained the original filing date of Jan. 30, 2002. Applicant received the Notice of Newly Assigned Application number dated 9/26/2003, confirming this correction. (See Exhibit 15).

Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
Title: Bob's Border Helper  
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Then on 10/23/2003, a Withdrawal of Previously Sent Notice was mailed to Applicants. (Exhibit 16), along with a Notice of Incomplete Application (Exhibit 17). Applicants' counsel contacted Examiner Joyce Reilly and requested from Examiner Joyce Reilly the contents of the file for application 10/666,964. However Examiner Joyce Reilly has informed Applicants' counsel that file for 10/666,964 is in the process of being scanned and she is unable to fax Applicants any further documents (such as the original oaths), in order for them to submit them as Exhibits to this Petition. Ms. Reilly also informed Applicant's counsel that this Petition should be mailed in a timely manner with whatever documentation the Applicants have presently in their possession. (See Affidavit of Applicant's counsel Exhibit 12).

Although this Petition procedure was never discussed between Applicant's counsel and Supervising Examiner Dolores Coles, Applicant's counsel submits the instant Petition and respectfully requests that the 1/30/2002 filing date be reinstated.

The following is an outline of the history of this unusual case that sets forth the facts in chronological order.

Date	Fact
1/30/2002	Applicants original application received in the USPTO. 1/30/2002 is the original filing date of application intended to be a utility application. (See Exhibits 4-9 which show all the documents originally submitted).
2/06/2002	Applicants check #321 for \$165 and check #322 for \$370 cashed by the USPTO. (Exhibit 4).
2/27/2002	Filing Receipt is mailed to Applicants, (Exhibit 10).

Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
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- 4/02/2002      Check No. 2049-63369905 reimbursed \$165 from the \$370 check.  
  
                    (Exhibit 13).
- 7/31/2003      First Official Action for Design Application 29/155,798 mailed to  
  
                    Applicants. Examiner Charles Nelson is assigned to the design  
  
                    application. In this Official Action, Applicants were advised to seek  
  
                    counsel's "value of assistance." (Exhibit 3).
- 8/11/2003      Applicants retained counsel in order to submit amendment for design  
  
                    application and to fix the utility application's paperwork. (See Exhibit 14  
  
                    with attached Power of Attorney dated 8/13/2003).
- 8/11/2003      Applicant's counsel discussed this case with Supervising Examiner  
  
                    Dolores Coles, in order to ensure that the application #29/154,901  
  
                    application would be correctly be assigned a utility application number  
  
                    with the 1/30/2002 filing date. (See counsel's affidavit Exhibit 12).
- 8/13/2003      Applicants' counsel sent fax to Supervising Examiner Delores Coles  
  
                    explaining that Applicants wanted one of the applications to be a utility  
  
                    application. Also included was the power of attorney forms for both  
  
                    applications. (See Applicant's counsel's Affidavit Exhibit 12 and Exhibit  
  
                    14).
- 8/18/2003      Applicant's counsel received fax from Examiner Nelson with the contents  
  
                    of the file (since Applicants did not keep complete copies of what they  
  
                    submitted to the USPTO). (See Applicants' counsel's Affidavit Exhibit  
  
                    12 and Exhibit 11).

Application: 10/666,964  
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- 8/26/2003 Notice of Acceptance of Power of Attorney received by Applicants.  
(Exhibit 20).
- 9/26/2003 Received NOTICE OF NEWLY ASSIGNED APPLICATION NUMBER;  
assigning Application No. 10/666934 and Filing Date of 1/30/2002 to this  
Utility Application (previous Design Application 29/154901). (Exhibit 15)
- 10/14/2003 Applicants signed new power of attorneys for new application number  
10/666,934 and faxed to Examiner Reilly. (Exhibit 24).
- 10/23/2003 Received Withdrawal of Previously Sent Notice, stating that the Notice  
Sent on 2/27/2002 was mailed in error. (Exhibit 16)
- 10/23/2003 Received the Notice of Incomplete Nonprovisional Application from  
USPTO, (Exhibit 17). Applicants responded by filing this Petition.
- 11/17/2003 Applicants' counsel discussed Case with Examiner Joyce Reilly.  
Applicants' counsel requested copy of the contents of the file, since  
Applicants did not keep records of what they had submitted. Applicants'  
counsel was advised by Examiner Reilly to submit the Petition with  
whatever documents the Applicants have in their possession. (See  
Applicants' counsel's Affidavit Exhibit 12).
- 12/17/2003 Applicants' counsel filed the response to the Notice of Incomplete  
Nonprovisional Application to the Missing Parts Unit, along with check  
#1804 for \$220 (Exhibit 21), new specification and claims, (Exhibit 1),  
new drawings (Exhibit 2), power of attorney (Exhibit 24), and declaration  
(Exhibit 23) to Mail Stop Missing Parts via Express Mail on 12/17/2003.

Application: 10/666,964  
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12/17/2003 Filed this Petition, along with check #1803 for \$130.

Therefore, Applicants respectfully request that since the original application was complete, it contained a specification, drawings, claim, check to cover the small entity fee for a utility application, it was complete and should be entitled to the 1/30/2002 original filing date.

**2. POINTS TO BE REVIEWED.**

**A. The Original File Was Complete And Should Be Given The Original Filing Date.**

Exhibits 4-9 prove that the Applicants' original application was complete. It contained, a specification with claims, drawings, check #322 with sufficient fee of \$370 to cover the small entity of a utility application, an oath, and a return postcard. Since the Applicants application was complete, it should be given the 1/30/2002 date.

**B. Applicants Submit Corrected Specifications, Claims And Drawings, And New Oath.**

**1. Specification and Claims.** Although the original application contained a specification, since this specification was written without the aid of counsel, Applicants resubmit a revised specification in proper format along with new drawings (Exhibit 1 and 2). The specification that was originally submitted on January 30, 2002 explained the invention and the figures, and was signed by the inventors. However, Applicants mistakenly used design language, when they meant utility application. The revised submitted specification and new corrected claims filed with the Missing Parts Unit (copy

Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
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attached as Exhibit 1), correct this. A copy of original specification and claims are attached as Exhibit 5.

2. **Drawings.** The original application contained figures showing all the views of the invention, its extensions and the invention's cap portion (top, bottom, back, sides, top side, bottom side) FIGS. II (i, ii, iii), FIG. III (i), FIG. IV (a), FIG. V (a), and top side view, bottom side view, and bottom and top view, (Exhibit 7). However, since Applicants were not represented by counsel, these drawings were not in correct format. Applicants filed new corrected drawings with the Missing Parts Unit (a copy attached to this Petition as Exhibit 2).

3. **Oath.** The original application was filed with an oath. Applicants did not keep a copy. However, a new oath dated 10/14/2003 and signed by the applicants was faxed to the Patent Office (Examiner Joyce Reilly). (Exhibit 24), and a new supplemental declaration dated 12/01/2003 was also submitted to the Missing Parts Unit (Exhibit 23).

4. **Filing Fee.** A copy of the original filing fee check # 322 for \$370 is attached as Exhibit 4. The UPSTO mistakenly reimbursed Applicants the amount of \$165 on 4-02-02 (Exhibit 13). The USPTO was correct in cashing check #322 for \$370 for the original intention of Applicant's filing a utility application. The reimbursement was an error on the part of the USPTO.

5. **Postcard.** A Postcard is submitted with this Petition. The original application also had a postcard (Exhibit 9).

Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
Title: Bob's Border Helper  
Petition to the Commissioner

6. **Petition Fee.** Applicants submit check #1803 for \$130 for the Petition fee.

2. **PETITION IS ACCOMPANIED BY \$130 FEE.**

Enclosed is check # 1803 for the \$130 Petition fee. Since the Applicants request that the filing date be reinstated, Applicants request reimbursement of this amount.

3. **PETITIONERS ALSO FILED THE REQUIRED \$220 PER THE NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION.**

Applicants submitted check # 1804 for \$220 to "complete the basic filing fee for a small entity" as required by the Notice of Incomplete Nonprovisonal Application. A copy of this check (Exhibit 21) and cover letter (Exhibit 22) is included in this Petition. This was mailed to Mail Stop Missing Parts, Commissioner of Patents, P.O. Box 1450, Alexandria, Va 22313-1450 on 12/19/2003. Applicants also request reimbursement of this amount, as Applicants do not feel this is the correct amount.

4. **CONCLUSION.**

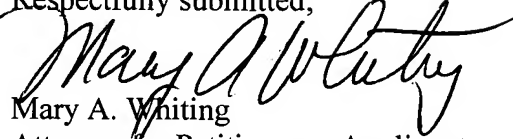
Whereby, Applicants respectfully request that the original filing date of 1/30/2002 be reinstated for this application, and that the corrected specification, claims, and drawings, and total application fees of \$370 be accepted and move this application on to allowance and registration.



Application: 10/666,964  
Applicants: Robert R. Pederson and James C. Cicconi, Sr.  
Title: Bob's Border Helper  
Petition to the Commissioner

Dated: December 17, 2003  
Staten Island, New York

Respectfully submitted;



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Encs:	Exhibit1	Corrected Specification and Claims
	Exhibit 2	Corrected Formal Drawings
	Exhibit 3	Official Action 7/31/2002 application 29/155,798 (page 2)
	Exhibit 4	Copies of Check # 321 for \$165 and check #322 for \$370
	Exhibit 5	Original specifications and claim
	Exhibit 6	Original Instructions
	Exhibit 7	Original figures
	Exhibit 8	Design Patent Transmittal Form
	Exhibit 9	Original Postcard
	Exhibit 10	Filing receipt dated 2/27/2002 for 29/154,901 (now 10/666,974)
	Exhibit 11	Fax cover sheet from Examiner Nelson dated 8/18/2003
	Exhibit 12	Affidavit of Applicant's Counsel Mary A. Whiting, Esq.
	Exhibit 13	Reimbursement check # 2049.63369905 for \$165 dated 4/02/2002
	Exhibit 14	Applicants' counsel fax to Examiner Coles dated 8/13/2003 (9 pages)
	Exhibit 15	Notice of Newly Assigned Application number dated 9/26/2003
	Exhibit 16	Withdrawal of Previously Sent Notice dated 10/23/2003
	Exhibit 17	Notice of Incomplete Nonprovisional Application dated 10/23/2003
	Exhibit 18	Affidavit of Robert R. Pederson
	Exhibit 19	Affidavit of James C. Cicconi, Sr.
	Exhibit 20	Notice of Acceptance of Power of Attorney dated 8/26/2003
	Exhibit 21	Copy of check # 1804 for \$220
	Exhibit 22	Cover letter to Mail Stop Missing Parts dated 12/19/2003
	Exhibit 23	Supplemental Declarations by Applicants dated 12/01/2003
	Exhibit 24	Power of Attorney dated 10/13/2003
	Certificate of Mailing	
	Postcard	
	Cover Letter	
	Transmittal Form	
	Fee Transmittal Form	

**Patent Application of Robert R. Pederson and James C. Cicconi, Sr.**

**For**

**Method and Device for Wallpaper Border Application**



**Background - Field of Invention**

**Field of Invention**

The present invention relates to a method and device for applying wallpaper borders to a flat receiving surface, such as walls or ceilings, which device can be attached to the receiving surface hands free to aid the user by eliminating the need for a second user or additional equipment to hold the wallpaper border in place and not damage the wall or ceiling while the user changes its position, or performs other functions.

**Background - Description of the Prior Art**

There are several prior art devices disclose various tools for applying wallpaper borders, which include:

<u>Inventor</u>	<u>Patent Number</u>	<u>Date</u>
Johnson	US 6,173,749B	Jan. 16, 2001
Zane	US 5,775,633	Jul 7, 1998
Edney et. al.	US 5,573,630	Nov. 12, 1996
Vester	US 5,478,432	Dec. 26, 1995
Mazzola et. al.	US 5,453,152	Sep. 26, 1995
Aranjo et al	US 5,403,430	Apr. 4, 1995
Burch	US 5,403,432	Apr. 4, 1995
Campagna	US 5,328,543	July 12, 1994

Prior art devices with anchoring devices as disclosed in Zane U.S. Pat. No. 5,77,633, and Burch, U.S. Pat. No. 5,403,432, created holes that damaged the wall or the border, which necessitate repair. Other prior art devices utilizing long poles as handles, such as Campagna US Pat. No. 5,328,543 and Johnson US Pat No. 6,713,749B, can not be utilized for ceiling application. Neither can prior art devices utilizing trays, such as Johnson US Pat. No. 6,713,749B, Arango et. al. US Pat. No. 5,403,430, and Mazzola et. al. US Pat. No. 5,453,152, be utilized for ceiling application. Prior art devices also employ a cup shaped containers with slots through which the wallpaper border is applied to a wall, such as Edney et. al., US 5,573,630, Campagna US Pat. No. 5,328,543, and Vester, US Pat. No. 5,478,432, which can not be anchored to the wall or ceiling for hands free employment and which need the aid of an additional user.

### **Objects and Advantages**

Accordingly, besides the distinctions from the prior art stated above, several objects and advantages of the present invention are:

To provide for a device wherein the apparatus is contained in one easily transportable unit;

To provide for a device wherein the need for numerous sized devices is eliminated as the device can be used for any width or standard length of wallpaper border;

To provide for a device, wherein the wallpaper border can be applied vertically, as well as horizontally to walls or ceilings;

To provide for a device that can be anchored to walls or ceilings for hands free application of wallpaper borders;

To provide for a device preferably made of plastic, wherein the device is easily cleaned;

To provide for a device preferably made of plastic, wherein the device is relatively inexpensive to manufacture;

To provide for a device preferably made of plastic, wherein the device is transparent or made of plastic mesh, so the user can see when the wallpaper border role is near its end, and ready for a refill without having to stop application and look into the device;

To provide for a device preferably made of plastic, wherein the device is waterproof so as not to degrade under the wet conditions, and

Applicant Robert R. Pederson  
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To provide for a device preferably made of plastic, wherein the device is durable,  
not easily broken or fractured, and therefore safe.

### **Brief Description of the Drawings**

**FIG. 1.** is a perspective side view of the present invention showing the wallpaper border being pulled through the cup length longitudinal slot while being applied to the receiving surface (wall). The wallpaper border and user's hand are shown by dotted line for illustrative purposes only, since they are not part of the invention.

**FIG. 2.** is a perspective frontal view of the present invention, showing a capped cylindrical cup portion with the cap's notch portion aligned with the longitudinal slot.

**FIG. 2a** is a detailed expanded view showing the handle portion threadedly attached to the cylindrical cup portion's circular planar bottom surface.

**FIG. 2b** is a cross-sectional view along line a-a' showing the male threaded bolt of the handle portion threaded though the female threaded bore of the cylindrical cup portion's bottom circular planar surface.

**FIG. 2c** is a cross-sectional view along line b-b' showing the notched cap.

**FIG. 3.** is a perspective side view of the present invention, showing the cylindrical cup portion anchored to the wall by the dual sided push pin.

**FIG. 3a** is a perspective view showing the cylindrical cup portion (fragmented view), anchored to the wall by the dual sided push pin.

**FIG. 3b** is a cross-sectional view of the receiving surface (wall), showing the device (fragmented view) anchored to the wall.

**FIG. 4** is a planar bottom view of the present invention, showing the handle portion in relation to the circular planar surface of the cylindrical cup portion's bottom.

**Reference Numbers in the Drawings**

1. User
2. Device
3. Handle portion
4. Cylindrical cup portion
5. Wallpaper border
6. Longitudinal slot
7. Side slit
8. Centrally located male threaded bolt of handle portion
9. Centrally located female threaded bore of cylindrical cup portion
10. Circular planar surface of cylindrical cup portion's bottom
11. Top circular edge of cylindrical cup portion
12. Cap portion
13. Rim
14. Notch
15. Receiving surface
16. Top edge of border
17. Linear edge formed by intersection of horizontal and vertical receiving surfaces
18. Dual sided push pin
- 18a. Upwardly slanting needle of the dual sided push pin
- 18b. Downwardly slanting needle of the dual sided push pin
19. Circular planar end handle portion

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**20. Circular bottom edge of cylindrical cup portion**

**21. Plurality of Pin holes**



### **Summary of the Invention**

This invention relates generally to a device for applying wallpaper borders of different widths and lengths using the same tool, whereby the user can anchor the device to a flat receiving surface (either a wall or ceiling), in order to have hands free movement to position ladders, mix glue or perform other functions, while applying the wallpaper border. The device is comprised of a cylindrical cup portion with a cup length longitudinal slot open at it top end, through which the wallpaper border is pulled through, and plurality of slits cut into the surface of the cylindrical cup portion for water access, and a handle portion.

The tool is preferably comprised of transparent solid plastic or plastic mesh material, in order to make the end of the wallpaper border roll visible to the user, so that the user does not have to stop and look inside the device to determine if the wallpaper border needs to be changed or is coming to an end. Plastic is preferable since it is safe, won't fracture, is easily cleaned and holds it shape when wet. A water resistant page of instructions is also included with the device.

Prior art devices disclose tools and kits for applying wallpaper or wallpaper borders. These devices are differentiated from the present invention, in that the prior art devices do not use pins or anchors that do not damage the wall or wallpaper. Using the present invention, any hole in the wall or ceiling (receiving surface), is covered by the wallpaper border, so no extra steps are needed to repair left behind holes in the receiving surface.

The preferred embodiment of the invention is comprised of molded plastic, with a cylindrical cup portion that can accommodate different sized widths and lengths of

standard wallpaper borders. The standard range of a wallpaper border width is between 4 to 12 inches, and range of length is between 6 to 12 feet. The longitudinal slot is of a preferred range from 4-12 inches long, which accommodates the wallpaper border's width. The longitudinal slot is sufficiently wide enough (1/4 inch) for the wallpaper border to be easily unrolled and pulled through, so as to be applied to the wall or ceiling. Prior art devices do not accommodate such a wide range of widths and lengths.

An alternative embodiment of the invention have handles of varying lengths to accommodate the user's height requirements. This may be a range from 6 inches to 2 feet in length. In the preferred embodiment of the invention, the handle threadedly attaches to the base of the cylindrical cup portion by a centrally positioned threaded male bolt on the handle's top which screws into a centrally positioned threaded female bore on the cylindrical cup portion's base. Alternatively, the male bolt of the handle could be friction fit into the female bore of the cup portion's base.

The device is simple to use and applies the wallpaper border in a straight line, either vertically or horizontally, with clean edges and without air-bubbles. Therefore, professionals as well as laypersons will benefit from its use.

A plurality of side slits symmetrically cut through the cylindrical cup portion's surface allow for water to seep into the device to evenly wet the dry glued back of the wallpaper border in order to create paste. These side slits can either be longitudinally or concentrically located on the cylindrical cup portion's surface.

A notched rimmed cap can be securely friction fit to the top circular edge of the cylindrical cup portion in order to hold the wallpaper border in the device during the wetting and application process. A notch on the rim aligns with the open edge of the

longitudinal slot, so when the cap is attached to the device, the wallpaper border's edge won't scrape against the cap's rim and be damaged during application

In the preferable embodiment of the invention, the device is anchored to the receiving surface by a dual sided push pin. Conventional pin devices can also be used. An upwardly slanting needle anchors the device to the outwardly facing surface of the dual sided push pin. A downwardly slanting needle attaches the inwardly facing surface of the dual sided push pin to the receiving surface. When the device is made of plastic mesh material, the upwardly slanting needle can be pushed through the pin holes or the mesh material to anchor the device to the receiving surface. Using the method of the present invention, the hole created by the push pin in the receiving surface, is covered with the wallpaper border, leaving no detectable holes in the wall or the ceiling that would be unsightly and need repair.

### **Description of the Preferred Embodiment of the Invention**

Referring to the drawings by numerals of reference, this invention relates generally to a device comprising a molded body comprising a cylindrical cup portion with a plurality of side slits and pin holes are cut into the cylindrical cup portion's surface, as well as a body length longitudinal slot open at one end, and a handle portion for applying wallpaper borders. A cap with a notched rim can also be attached to the device.

**FIG. 1**, illustrates a user **1** with the device **2** aligned parallel to the receiving surface **15**, (which can either be a wall or a ceiling), so that the wallpaper border **5**, which is rolled inside the device **2**, can be unrolled through the longitudinal slot **6**, and applied to the receiving surface **15**. The longitudinal slot **6** is preferably 1/4 inch wide. The device **2** can be used to apply wallpaper border **5** of varying widths and lengths, by matching the length of the cylindrical cup portion **4** to the width of the wallpaper border **5**.

As shown in **FIG. 1**, the top edge **11** of the cylindrical cup portion **4** is placed into the linear edge **17**, formed by the horizontal and vertical receiving surfaces intersect (where the wall meets the ceiling), in order for the wallpaper border **5** to be applied aligned with the straight line formed by the meeting of the planar ceiling and wall surfaces. The device **2** can also be aligned to apply the wallpaper border **5** any distance from this linear edge **17**, on the wall or on the ceiling.

Shown in **FIG. 1**, **FIG. 2** and **FIG. 3**, a plurality of side slits **7** cut into the cylindrical cup portion's **4** surface, allow water to soak evenly into the cylindrical cup portion **4** and onto the roll of wallpaper border **5**, in order to create a paste on the back of

the wallpaper boarder 5. When the device 2 is made of plastic mesh material, water soaks evenly through to the wallpaper border 5.

As shown in **FIGS. 1** and **3**, once the user 1 has drawn the wallpaper border 5 to maximum arm's length, push pin's 18 upwardly slanting needle 18a, is stuck through one of the plurality of pin holes 21 aligned closest to the receiving surface 15, and the downwardly slanting needle 18b is anchored to the receiving surface 15, to attach the device 2 to the receiving surface 15. Once the device 2 is so anchored to the receiving surface 15, the user 1 has hands free movement in order to realign its ladder, move further along the wall or ceiling, and start the process over again to continue applying the wallpaper border 5 to the receiving surface 15.

The device 2 is preferably made of transparent solid plastic or plastic mesh material in order for the user 1 to see through the device to determine is the wallpaper border 5 is nearing an end. This allows for the user 1 to determine when the roll of wallpaper border 5 will need to be changed without having to stop the process and look into the device. This saves significant time and energy.

As shown in **FIG. 1**, **FIG. 2** and **FIG. 3**, the preferred embodiment of the device 2 is a single piece of molded plastic, comprising a cylindrical cup portion 4, and a handle portion 3.

As shown in detail in **FIG. 2a**, the device can also be comprised of a removable handle portion 3 with a centrally located threaded male bolt 8 at its flattened top end 19, which screws into a centrally located threaded female bore 9 in the bottom surface 10 of cylindrical cup portion 4. Handle portions 3 can be of various lengths to accommodate the user's 1 needs.

**FIG. 4** shows the central location of the handle portion's 3 attachment to the bottom surface 10 of the cylindrical cup portion 4, with circular edge 20.

**FIG. 2b** shows the cross-sectional view along line a-a' of the handle portion 3 threadedly attached to the bottom surface 10 of the cylindrical cup portion 3.

As shown in **FIG. 2**, a flat circular cap portion 12 with a rim 13 can be friction fit over the outside surface of the cylindrical cup portion's 4 top circular edge 11. The rim 13 has a notch 14 which aligns with the open edge of the single longitudinal slot 6 of the cylindrical cup portion 4, to stop the edge 16 of the wallpaper border 5 from scraping against the rim 13 and tearing during use. **FIG. 2c** shows a cross-sectional view along line b-b', showing the notch 14 in the rim portion 13 of the cap 12.

## **Claims**

### **I Claim:**

1. A device for applying wallpaper border with a glued back and an unglued front to a receiving surface, comprising a: cylindrical cup portion with a circular top edge, and a circular bottom planar surface with a circular bottom edge, and a handle portion,

said cylindrical cup portion further comprising a longitudinal slot open at said circular top edge and closed at said circular bottom edge, a plurality of side slits symmetrically aligned along said cylindrical cup portion, and a plurality of pin holes symmetrically aligned adjacent to said circular top edge of said cylindrical cup portion,

wherein, said wallpaper border is placed into said device with said glued back portion facing said receiving surface, and while simultaneously holding said handle portion, said user submerses said device in water to wet said glued back, and then aligns said device along a desired horizontal and vertical measurement of said receiving surface and swipes said device along a desired length of said receiving surface, thereby pulling said wallpaper border through said longitudinal slot of said cylindrical cup portion, and simultaneously adhering said glued back of said wallpaper border to said receiving surface, and further, anchoring said device to said receiving surface by conventional anchoring means, for hands free movement during application of said wallpaper border until all said wallpaper border is spent.

2. Device according to **Claim 1**, wherein said cylindrical cup portion further comprises a flat circular cap portion with a rim portion, further comprising a notch, wherein said notched rim portion is aligned with said open end of said longitudinal slot, when said flat circular cap portion is friction fitted over said circular top edge of said

cylindrical cup portion, in order to secure said wallpaper border into said device during wetting and to pull said wallpaper border freely through said longitudinal slot to avoid rubbing and tearing said wallpaper border on said rim portion.

**3. Device according to Claim 1**, wherein said plurality of side slits are aligned longitudinally along said cylindrical cup portion.

**4. Device, according to Claim 1**, wherein said plurality of side slits are aligned concentrically around said cylindrical cup portion.

**5. Device, according to Claim 1**, wherein said device is comprised of a one solid molded piece of waterproof plastic material, to enhance strength and durability.

**6. Device, according to Claim 1**, wherein said device is comprised of transparent waterproof plastic material, which enhances the viewing of the position of said wallpaper border inside said device in order to observe when said wallpaper border is nearing its end and needs to be replaced.

**7. Device, according to Claim 1**, wherein said device is comprised of plastic mesh material, which enhances the viewing of the position of said wallpaper border inside said device in order to observe when said wallpaper border is nearing its end and needs to be replaced, which increases the sufficiently of water flow through said device to enhance the wetting of said wallpaper border, and wherein said anchoring means is attached to said device through openings in said mesh material.

**8. Device, according to Claim 1**, wherein said anchoring means is attached to said device through one of a plurality of pin holes symmetrically aligned adjacent to said top edge of said cylindrical cup portion.



**9. Device, according to Claim 1**, wherein said handle portion of said device further comprises a flat circular planar top portion with a centrally located threaded male bolt means which threadedly attaches to a centrally located threaded female bore means on said circular bottom planar surface of said cylindrical cup portion.

**10. A method** for applying wallpaper border with a glued back and an unglued front to a receiving surface, comprising a: cylindrical cup portion with a circular top edge, and a circular bottom planar surface with a circular bottom edge, and a handle portion,

said cylindrical cup portion further comprising a longitudinal slot open at said circular top edge and closed at said circular bottom edge, a plurality of side slits symmetrically aligned along said cylindrical cup portion,

wherein, said wallpaper border is adhered to said receiving surface by use of a method comprising the following steps:

- a) while simultaneously holding said handle portion, placing a roll of said wallpaper border into said device with said glued back facing said receiving surface;
- b) submersing said device in water in order for water to seep through said plurality of side slits, said longitudinal slots, to wet said glued back;
- c) aligning said device along a desired horizontal and vertical measurement of said receiving surface
- d) swiping said device along a desired length of said receiving surface, thereby pulling said wallpaper border through said longitudinal slot of said cylindrical

cup portion; in order to adhere said glued back of said wallpaper border to said receiving surface;

- e) simultaneously anchoring said device to said receiving surface by conventional anchoring means, for hands free movement during application of said wallpaper border, until all said wallpaper border is spent.

**11. Method according to Claim 10**, wherein said cylindrical cup portion further comprises a circular shaped cap portion with a rim, said rim further comprising a notch portion, wherein said notched portion is aligned with said open end of said longitudinal slot, when rim portion of said flat circular cap portion is friction fitted over said circular top edge of said cylindrical cup portion, in order to secure said wallpaper border into said device during wetting and to pull said wallpaper border freely through said longitudinal slot to avoid rubbing and tearing said wallpaper border on said rim portion.

**12. Method according to Claim 10**, wherein said plurality of side slits are aligned longitudinally along said cylindrical cup portion.

**13. Method, according to Claim 10**, wherein said plurality of side slits are aligned concentrically around said cylindrical cup portion.

**14. Method, according to Claim 10**, wherein said device is comprised of a one solid molded piece of waterproof plastic material, to enhance strength and durability.

**15. Method, according to Claim 10**, wherein said device is comprised of transparent waterproof plastic material, which enhances the viewing of the position of said wallpaper border inside said device in order to observe when said wallpaper border is nearing its end and needs to be replaced.

**16. Method, according to Claim 10,** wherein said device is comprised of plastic mesh material, which enhances the viewing of the position of said wallpaper border inside said device in order to observe when said wallpaper border is nearing its end and needs to be replaced, which increases the sufficiency of water flow through said device to enhance the wetting of said wallpaper border, and wherein said anchoring means is attached to said device through openings in said mesh material.

**17. Method, according to Claim 10,** wherein said anchoring means is attached to said device through one of a plurality of pin holes symmetrically aligned adjacent to said top edge of said cylindrical cup portion.

**18. Method, according to Claim 10,** wherein said handle portion of said device further comprises a flat circular planar top portion with a centrally located threaded male bolt means which threadedly attaches to a centrally located threaded female bore means on said circular bottom planar surface of said cylindrical cup portion.

## **ABSTRACT**

A device for applying wallpaper borders to walls and ceilings, which is anchored in place by conventional pin means pushed through holes in the surface of the device, for hands free maneuverability. The device is preferably composed of plastic which is waterproof, easily cleaned, safe, and durable. The device is either transparent or made of mesh material, so the user can see when the wallpaper border is nearing its end without having to stop the application process. Handles of varying lengths adjust to wall and ceiling measurements, while the device's cup's length can vary to adjust to different widths of wallpaper border. A cap with a notched rim can also be fitted on the device to secure the wallpaper border inside the device. The device is easy enough for a novice to use and also creates an error free finish suitable for professional use.

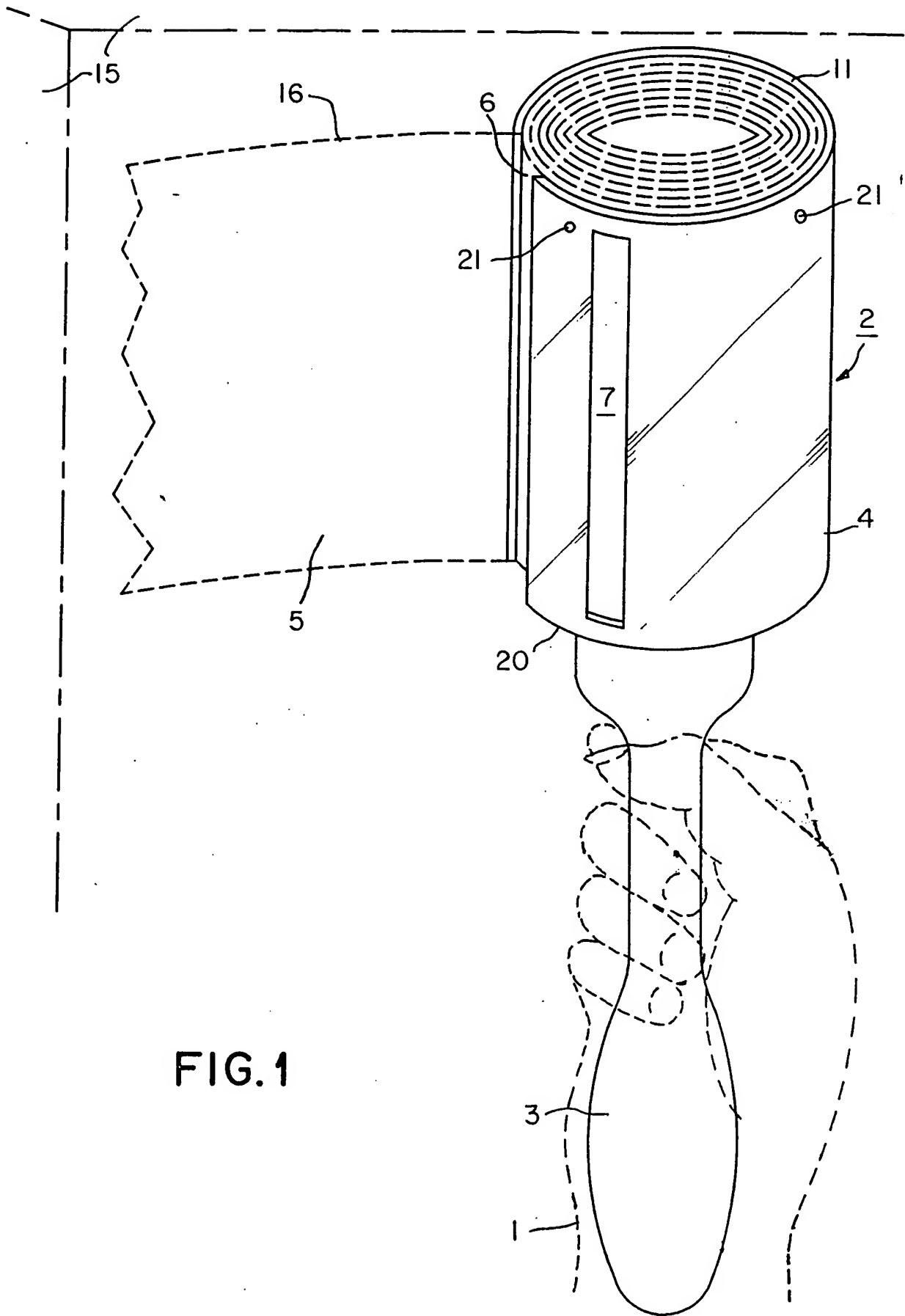


FIG. 1

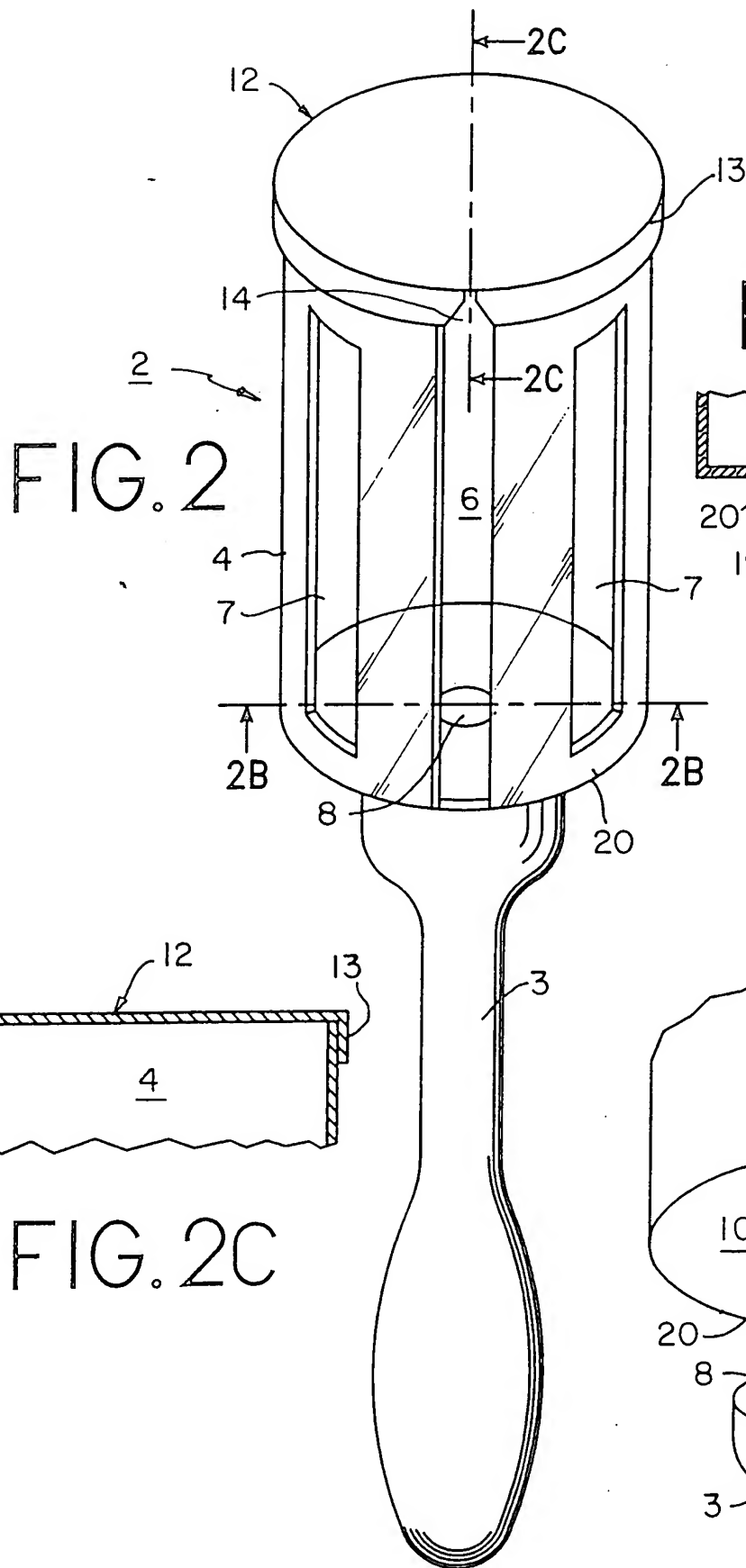


FIG. 2B.

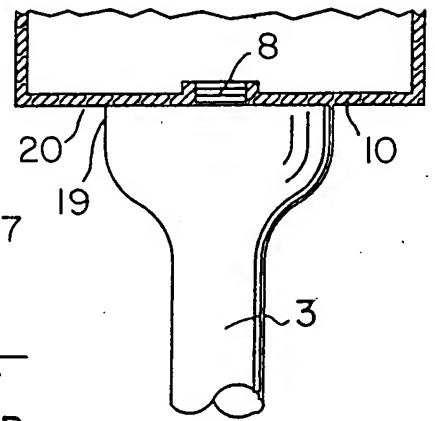


FIG. 2A

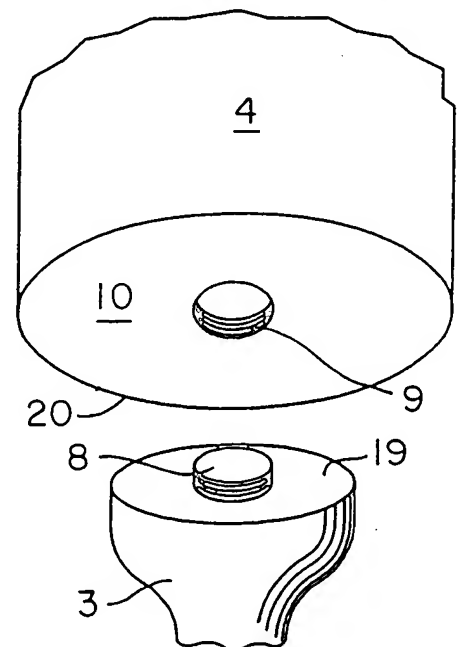
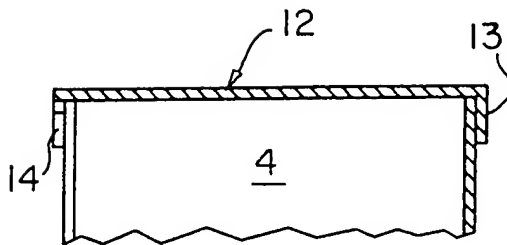


FIG. 2C



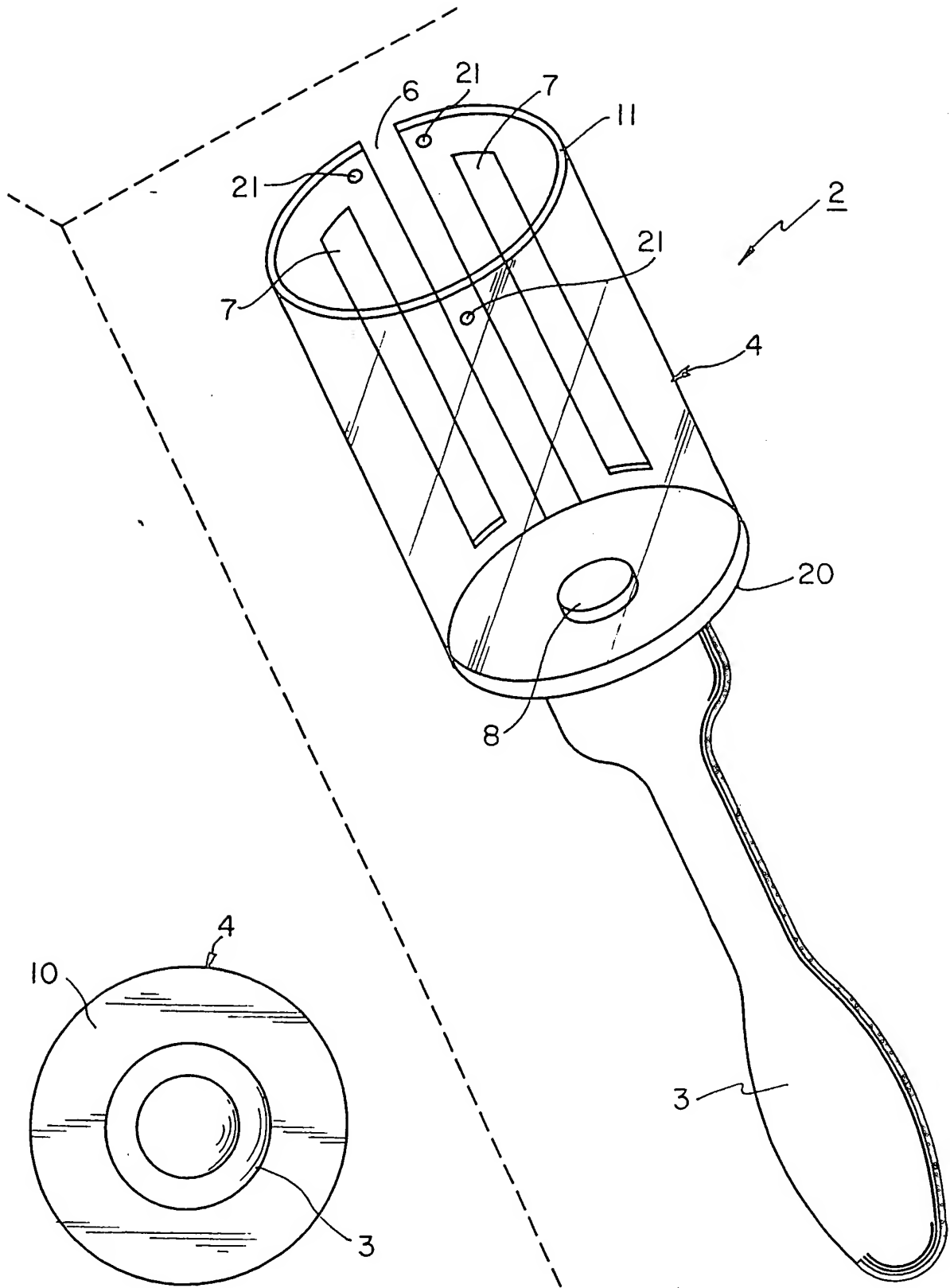


FIG. 4

FIG. 3

FIG. 3B

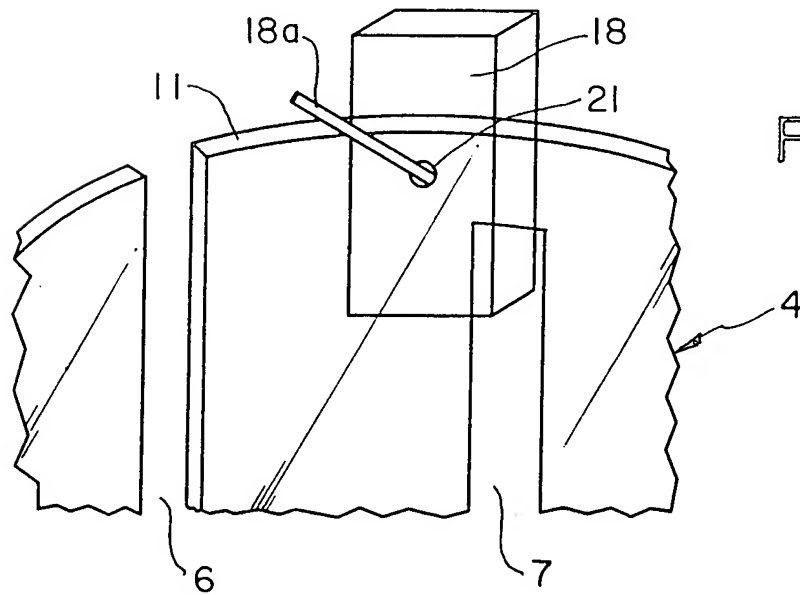
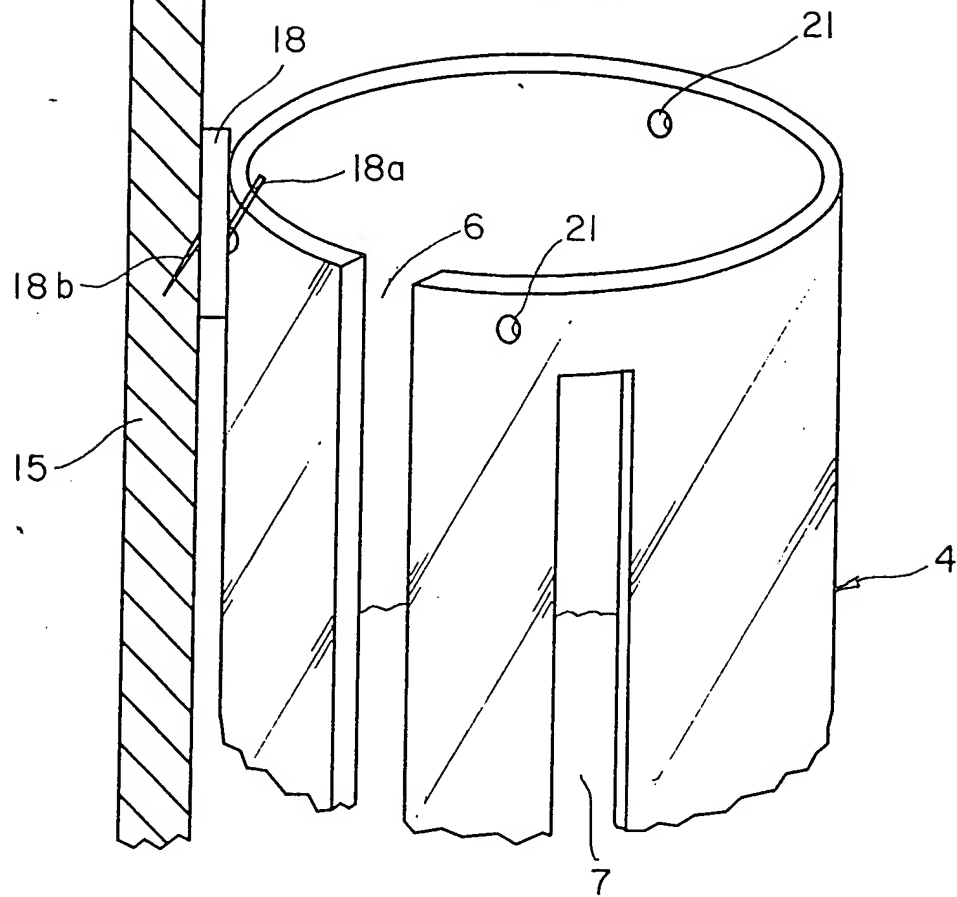


FIG. 3A



### **Value of Assistance**

It would appear from an examination of this application that you are unfamiliar with some aspects of design patent prosecuting procedure and/or drafting technique. While an inventor may prosecute the application or execute the drawings, lack of skill in either field usually acts as a liability in obtaining the maximum patent protection. After reviewing this Office action you may want to consider securing the services of a registered patent attorney or patent agent to prosecute the application, and/or an experienced patent draftsman to execute suitable drawings, since the marketplace value of a design patent greatly depends on skillful preparation and prosecution. A registered patent attorney is an attorney who has been certified by the Patent and Trademark Office as qualified to represent applicants before the Office. A registered agent has also been certified by the Office, but is not an attorney. A draftsman should have specific (preferably design) patent experience, rather than a basic skill in mechanical drawing. The Office cannot aid in selecting an attorney, agent or draftsman. However, the following publications are available: *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* (from which a copy of the page listing attorneys and agents nearest you has been attached) and *Guide for the Preparation of Patent Drawings*. These publications are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402. Moreover, patent draftsmen can generally be contacted through the telephone book



Account  
91359851

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Date Jan 25-02 1-12/2002

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⑆226071237⑆ 0091359851 0321 ⑆0000016500⑆

0212-0400-5  
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2/8/2002 \$165.00

JAMES CICCONE  
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STATEN ISLAND, NY 10312

322

Date Jan 25-02 1-12/2002

Pay to the  
Order of Asst. Comm for Patients \$ 370.00  
Three seventy and 00/100 Dollars

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For Bob Williams John Ciccione

⑆226071237⑆ 0091359851 0322 ⑆0000037000⑆

0212-0400-5  
03680601

2/8/2002 \$370.00

## BOB'S BORDER HELPER

We, **ROBERT R. PEDERSON**, and **JAMES C. CICCONI, SR.**,

have invented a new design, BOB'S BORDER HELPER, as set forth in the following specifications:

**FIG. I** is a view of the handle that is attached to either cylinder.

**FIG II** is a front view of the cap and cylinder to be used with wider borders.

**FIG II(i)** is a back view thereof.

**FIG II(ii)** is a top view of both types of caps and cylinders.

**FIG II(iii)** is a bottom view of both types of caps and cylinders.

**FIG III** is a front view of the cap and cylinder to be used with regular-size borders.

**FIG IV** is a front view of the cylinder extension to be used with wider borders.

**FIG IV(a)** is a back view thereof.

**FIG V** is a front view of the cylinder extension to be used with regular-sized borders.

**FIG V(a)** is a back view thereof.

*We claim: The ornamental design for a BOB'S BORDER HELPER as shown.*

Robert R. Pederson  
**ROBERT R. PEDERSON**

*Dated: January 29, 2002*

James C. Cicconi  
**JAMES C. CICCONI, SR.**

*Dated: January, , 2002*

WALLPAPER BORDER PEDERSON AND SONS 1300 10TH AVE SW  
PO BOX 100000  
DENVER CO 80201-0000  
TEL 303 733 1000  
FAX 303 733 1001  
WWW.PEDERSONANDSONS.COM

# Instructions

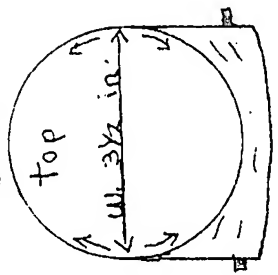
1. Handle may be screwed or a squeeze clamp to hold the cylinders.
2. Caps are to hold Borders in cylinders while they soak in water.
3. there are two cylinders one for wider borders and for Reg. borders.
4. there are also ext for the cylinders for longer Borders for Each Cylinder.
5. you can use push pin to push into wall to hold cylinder while you work on border + when you move ladder for next move.
6. Big Push pins are already on the market you can purchase them separately.

THIS TOOL HELPS INSTALLATION OF WALLPAPER BORDER EASIER + ALLOWS <sup>SECOND</sup> PERSON TO HELP.  
WATERPAPER BORDER

29/154,901

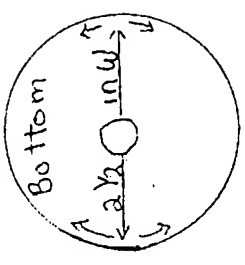
ENTIRE PROJECT = Handle-Caps Cylinders ARE TO MADE OF Plastic. Which Will be the thickness of 1-16 of inch thick

fig II (ii)



3 1/2 in w

fig II (iii)



2 1/2 in w

1. cap snaps into Larger cylinder
2. Bottom's screws on two Handle
3. Wall pins to Hold cylinders
4. 1/4" holes on back each. Cylinders
5. Extension's SNAP into larger cylinder's

fig II (i)

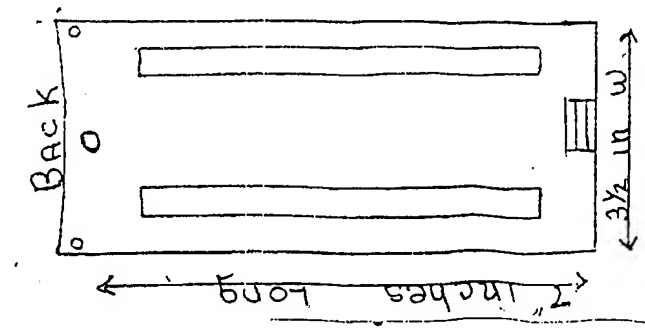
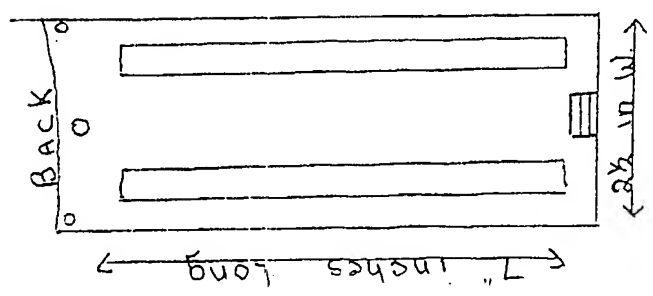


fig III (i)



EXTENSIONS

fig IV (a)

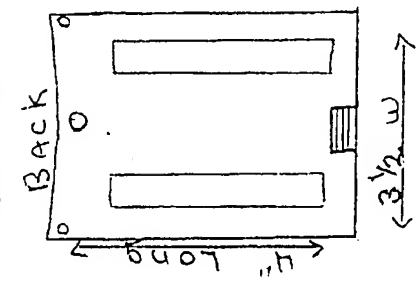
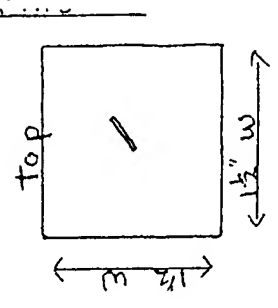
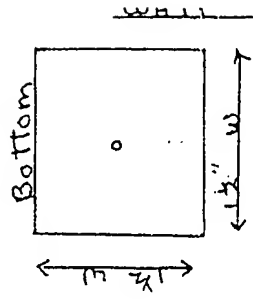
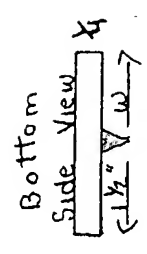
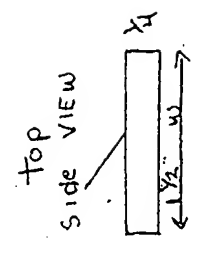
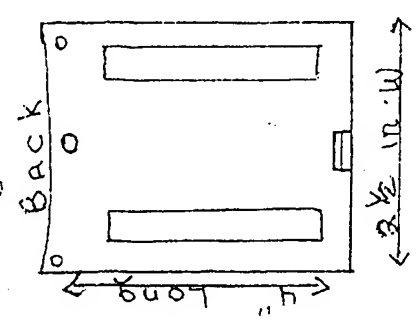


fig V (a)



29/154901

02 - 01 - 02

H/Des

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0032  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# DESIGN PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

First Named Inventor

ROBERT R. PEDERSON

Title

BCB'S BORDER HELPER

Express Mail Label No.

E019320297205

## ADDRESS TO:

Assistant Commissioner for Patents  
 Box Design  
 Washington, DC 20231

**DESIGN V. UTILITY:** A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information see MPEP 1502.01.

## APPLICATION ELEMENTS

See MPEP chapter 1500 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages ☐ ]  
(preferred arrangement set forth below, MPEP 1503.01)  
 - Preamble  
 - Cross References to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Description of the figure(s) of the drawings  
 - Feature description  
 - Claim (only one (1) claim permitted, MPEP 1503.03)
4. ☒ Drawing(s) (37 CFR 1.152) [Total Sheets ☐ ]
5. Oath or Declaration [Total Pages ☐ ]  
 a. ☒ Newly executed (original or copy)  
 b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
 (for continuation/divisional with Box 16 completed)  
 i. ☐ **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
14. ☐ Request for Expedited Examination of a Design Application (37 CFR 1.155)  
(NOTE: Substitute "Box Expedited Design" for "Box Design" in the address indicated above.)
15. ☒ Other: Disclosure Document Deposit Request Form (in Duplicate)

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner

of prior application No. /

Group Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Labelor ☒ Correspondence address below

Name	ROBERT R. PEDERSON				
Address	191 Wild Avenue				
City	Staten Island	State	NY	Zip Code	10314
Country		Telephone	1-718-982-8791	Fax	

Name (Print/Type) ROBERT R. PEDERSON

Registration No. (Attorney/Agent)

Signature

Robert R Pederson

Date

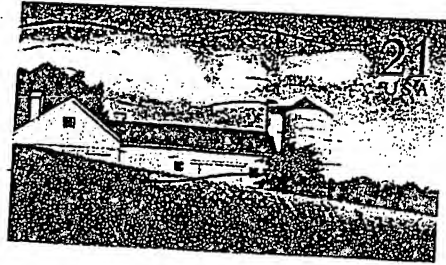
January 29, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Design, Washington, DC 20231.

BONNIE SELLETTI  
 Notary Public, State of New York  
 No. 43-484766  
 Qualified in Richmond County  
 Commission Expires 12-31-05

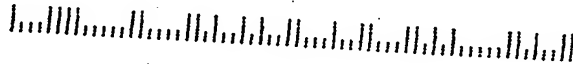
JC857 U.S. PTO  
 29/154901

01/30/02



ROBERT R. PEDERSON  
191 WILD AVENUE  
STATEN ISLAND, NY 10314

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ROBERT R. PEDERSON  
191 WILD AVE., S.I., NY 10314  
JAN. —, 2002  
SUBMITTED.  
DESIGN PATENT APP TRANS.  
FORM PTO/SB/16  
FEE TRANSMITTAL FOR FY 2002  
FORM PTO/SB/17  
SPECIFICATIONS (— #PAGES)  
DRAWINGS (# — #PAGES)  
DECLARATION FOR UTILITY OR  
DESIGN PATENT APPLICATION  
FORM PTO/SB/01 → 2 PAGES  
APPLICATION DATA SHEET  
DISCLOSURE DOCUMENT DEPOSIT  
REQUEST (FORM PTO/SB/95)  
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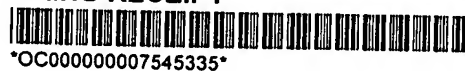
# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
29/154,901	01/30/2002	2900	165		3	1	1

CONFIRMATION NO. 8115

## FILING RECEIPT



\*OC000000007545335\*

ROBERT R. PEDERSON  
191 Wild Avenue  
Staten Island, NY 10314

Date Mailed: 02/27/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

Robert R. Pederson, Staten Island, NY;  
James C. Cicconi SR., Staten Island, NY;

### Domestic Priority data as claimed by applicant

### Foreign Applications

If Required, Foreign Filing License Granted 02/27/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

### Title

Bob's border helper

### Preliminary Class

D08

STAN -



To: MARY WHITING

Re: 29/155,798 and 29/154,901

COPIES OF DRAWING & SPECIFICATION

FROM: T. CHASE NELSON

28 AUGUST 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:10/666,934

Inventors: ROBERT R. PEDERSON AND JAMES C. CICCONI, SR.

Filing Date: 1/30/2002

Title: BOB'S BORDER HELPER

STATE OF NEW YORK )

COUNTY OF RICHMOND)

Hon. Commissioner of Patents

Washington, D.C.

I, Mary A. Whiting, Esq., attorney for the Applicants, declares as follows:

1. I am the attorney for the Applicants and co-inventors Robert R. Pederson and James C. Cicconi, Sr., of the invention "Bob's Border Helper."
2. I reside at 214 Slosson Avenue, Staten Island, New York 10314.
3. I am registered to practice before the United States Patent and Trademark Office, since 1981, registration number 30,601.
4. I have read the "Withdrawal of Previously Sent Notice" and "Notice of Incomplete Nonprovisonal Application" mailed 10/23/2003.
5. After discussion with my clients concerning their intent, in my opinion, the co-inventors intended the original application #29/154,901, to be a utility application, which was correctly reassigned number 10/666,934, and that it was complete and should be entitled to the 1/30/2002 filing date.

Declaration of Counsel Mary A. Whiting  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

6. The figures for both applications were hand drawn by the Applicants. They did not use a patent draftsman. One set was intended for the design application, the other set for the utility application.
7. New formal corrected drawings are submitted. These are drawn by a patent draftsman.
8. The applicants Robert R. Pederson and James C. Cicconi, Sr., have retained me to represent them before the USPTO in prosecution of both applications.
9. I spoke to Supervising Examiner Delores Coles on several occasions in August 2003 regarding correction of the applications. I faxed Examiner Coles a detailed letter explaining everything on August 13, 2003.
10. Supervising Examiner Coles told me that the application numbered 29/154,901 would be sent to the correction unit in order to receive a utility application number and maintain the 1/30/2002 original filing date.
11. Examiner Coles also explained to me that application number 29/155,978 would remain in the design art unit since Examiner Nelson had already been assigned this application, and it was originally intended to be a design application.
12. On August 18, 2003, Examiner Nelson faxed me some of the contents of both files that he had in his possession. The complete contents of the 29/154,901 was sent to the corrections unit. He kept the contents of the 29/155,978 application file since he was the Examiner assigned to that application.
13. The "Notice of Acceptance of Power of Attorney" for both applications was mailed 8/26/2003.

Declaration of Counsel Mary A. Whiting  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

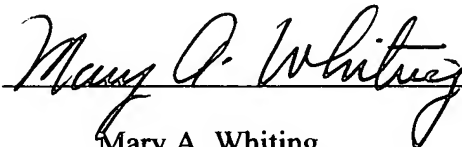
14. "Notice of Newly Assigned Application Number" dated 9/26/2003, assigned application number 10/666,934 to the intended utility application that was incorrectly numbered 29/154,901.
15. On 10/6/2003, on behalf of my clients, I filed an amendment to correct intended design application 29/155,798, with substitute specification, substitute claims, oath, and new informal drawings. Since the original application did contain a fee, specification, claim, oath and drawings, it was complete, although incorrect. The amendment corrects these incorrect elements.
16. On 10/23/2003 a "Notice of Incomplete Nonprovisional Application" and "Withdrawal of Previously Sent Notice" for utility application 10/666,934 was mailed.
17. I am filing this Petition, on behalf of my clients, in order for the intended utility application 10/666,934 to maintain its original filing date of 1/30/2002. The original intended utility application was complete, since it contained, a check for \$370 for the utility small entity fee, specification, claim, oath, and drawings.
18. I am also filing, on behalf of my clients, a substitute specification, substitute claims, oath, and new formal drawings to correct the errors in the original complete application filed 1/30/2002.
19. Also submitted is check # ~~1604~~ for \$220, as requested by the USPTO. If the original \$370 had not been split apart by the UPSTO, and \$165 had not been refunded, the original filing fee of \$370 would have been paid in full with check #322 for \$370 on the original application filing date of 1/30/2002.

Declaration of Counsel Mary A. Whiting  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

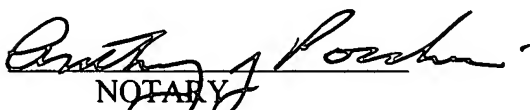
20. The requested amount of \$200 appears in error. However, since the USPTO requested it, I advise my clients to pay it. Any monies owed after this matter is corrected should be refunded to my clients.
21. Also submitted is check # 1503 for \$130 for the Petition fee.
22. A newly executed oath or declaration is also submitted.
23. Substitute specification, claims, oath, and new formal drawings are also submitted.

I hereby declare, that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are so punishable by fine, imprisonment or both, under section 1001 Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: December 16, 2003

  
Mary A. Whiting  
Attorney for Applicants

Sworn to be me this 16<sup>th</sup> day of  
December, 2003

  
NOTARY

ANTHONY J. POCCHIA  
Notary Public, State of New York  
No. 43-4777845  
Qualified in Richmond County  
Commission Expires October 31, 2006

NOTICE TO CHECK RECIPIENT

VENDOR NAME: ROBERT R PEDERSON

VENDOR I.D. NUMBER: REFUND

AGENCY NAME  
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PATENT & TRADEMARK OFFICE  
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SERIAL NUMBER: 29155798  
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ENTITY  
FOR QUESTIONS RELATING TO REFUND, CONTACT  
JAMES JOHNSON - 703-306-3470  
03/26/2002

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE

Mary A. Whiting, Esq.  
214 Slosson Avenue  
Staten Island, New York 10314

---

## Facsimile Cover Sheet

**To:** SUPERVISING EXAMINER  
DORIS COLES

**Company:** U.S. Patent Office

**Phone:** 703-305-3107

**Fax:** 703-306-3424

**From:** Mary A. Whiting, Esq.

**Company:** Law Offices

**Phone:** Office 718-448-9599,  
cell phone 646-942-7554

**Fax:** 718-447-8299

**Date:** August 13, 2003

**Pages**  
**including this**  
**cover page:**

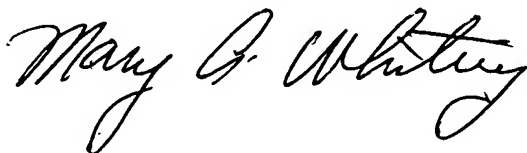
9

Dear Examiner Coles: As discussed on Monday August 11, 2003.  
I would appreciate your help on this. If you need to reach me,  
please contact me on my cell phone 1- 646- 942 -7554.

Enclosed: Powers of Attorneys signed by Robert R. Pederson Sr.  
and James C. Cicconi for Applications 29/155,798 and 29/154,901.  
Also, copies of cancelled checks for \$165 (for design application)  
and \$370 (for utility application).

I met with my clients this morning and they told me that they also  
spoke to Alan Douglas last week and he said he would help  
straighten this out. Wanted you to know this so that both you and  
Examiner Douglas aren't working on this simultaneously.

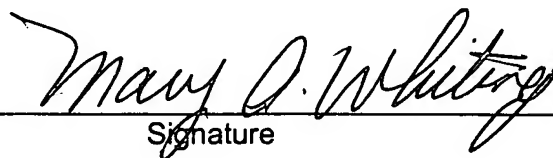
Very truly yours,  
Mary A. Whiting



## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on Aug. 13, 2003  
Date

  
Signature

MARY A. WHITING

Typed or printed name of person signing Certificate

ATTORNEY FOR APPLICANTS

214 SLOSSON Avenue

STATEN ISLAND N.Y. 10314

telephone (718) 448-9599 / fax (718) 447-8299

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Cover letter (2 pages)

Fax Cover letter (1 page)

Power Attorney PTO/SB/01/8-03 for 29/154901 signed by both applicants (2 pages)

Power Attorney PTO/SB/01/8-03 for 29/153798 signed by both applicants (2 pages)

COPIES OF cancelled checks (1 page)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



MARY A. WHITING  
ATTORNEY AT LAW  
214 SLOSSON AVENUE  
STATEN ISLAND, NEW YORK 10314  
Telephone (718) 448-9599  
Fax (718) 447-8299

**VIA FAX ONLY (703) 306-3424**

August 13, 2003

Supervising Examiner Doris Coles  
U.S. Patent and Trademark Office  
Commissioner for Patent  
Alexandria, Virginia 22313-1450

RE: Serial Numbers: 29/154,901 filing date 1/30/2002  
Serial Number 29/155,798 filing date 1/29/2002  
Inventors Robert R. Pederson and James C. Cicconi, Sr.  
Title: Bob's Border Helper

Dear Examiner Coles:

Pursuant to our discussion on Monday August 11, 2003, I submit executed powers of attorney forms in order to have you fax me copies of what my clients had mailed to the patent office for both applications. The applicants submitted both applications *pro se*, without the aid of a registered patent attorney, and they did not keep copies of what they had submitted to the patent office.

Design Application 29/155,798

They have retained me as their attorney. They want design application 29/155,798 to go forward. I will file an amendment in response to the Examiner's T. Charles Nelson's Office Action, and submit new drawings in order to have this application go forward as a design application. Check #321 for \$165 was for one design application. I also enclose a copy of the front and back of this cancelled check

Utility Application

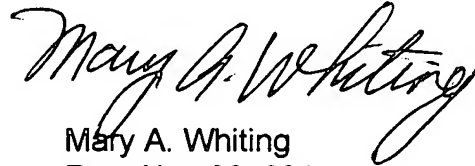
Regarding application 29/ 154901, the applicants meant this to be a utility application. That is why check #322 was for \$370. I enclose a copy of front and back of this check. As we discussed, I plan on correcting the paperwork regarding this, with the USPTO's help, to conform to a utility application. My clients need to keep their filing date of 1/30/2002.

My clients informed me that they have also spoken to Examiner Alan Duglass regarding their applications. Mr. Duglass told them he would help them straighten it out. In order to get started, please send me copies of what the

Serial No.:29/154,901 (filing date 1/30/2002),  
Serial No.: 29/155,798 (filing date 1/29/2002  
Applicants Robert R. Pederson & James C. Cicconi, Sr.  
Title: Bob's Border Helper  
August 13, 2003  
Page Two

applicants submitted in each application. I would appreciate it if your office could fax me these files in order to begin the correction process.

Respectfully submitted,

  
Mary A. Whiting  
Reg. No.: 30, 601

Encs:



Account  
91359851

JAMES CICCONE  
888 HUGLENOT AVE.  
STATEN ISLAND, NY 10312

321

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0212-0400-5  
03680636

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For Robt Wall Paper Mfg James Ciccone

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0212-0400-5  
03680601

2/8/2002 \$370.00

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	291155,798
Filing Date	1/29/2002
First Named Inventor	ROBERT K. PEDERSON
Title	BOB'S BORDER HELPER
Art Unit	2900
Examiner Name	T. CHARLES NELSON
Attorney Docket Number	MAN-02-03

I hereby appoint:

☐ Practitioners at Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
MARY A. WHITING, ESQ.	30,601

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	MARY A. WHITING, ESQ.				
Address	214 SLOSSON AVENUE				
Address					
City	STATEN ISLAND	State	N.Y.	Zip	10314
Country	U.S.A.				
Telephone	718-448-9599	Fax	718-447-8299		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	JAMES C. PICCONI, SR.		
Signature	<i>James Picconi, Sr.</i>		
Date	8-13-2003	Telephone	718-605-6663

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	29/155,798
Filing Date	1/29/2002
First Named Inventor	ROBERT R. PEDERSON
Title	BOB'S BORDER HELPER
Art Unit	2900
Examiner Name	T. CHARLES NELSON
Attorney Docket Number	MAW-03-03

I hereby appoint:



Practitioners at Customer Number:

OR



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Name	Registration Number
MARY A. WHITING, ESQ.	30,601

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The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	MARY A. WHITING				
Address	214 SLOSSON AVENUE				
Address					
City	STATEN ISLAND	State	N.Y.	Zip	10314
Country	U.S.A.				
Telephone	718-448-9399	Fax	718-447-8299		

I am the:



Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

Name	ROBERT R. PEDERSON		
Signature	Robert R. Pederson		
Date	8-18-2003	Telephone	718-982-8791

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	29/154901
Filing Date	1/30/02
First Named Inventor	ROBERT R. PEDERSON
Title	BOB'S BORDER HELPER
Art Unit	
Examiner Name	
Attorney Docket Number	MAN-03-03

I hereby appoint:

☐ Practitioners at Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
MARY A. WHITING, ESQ.	30,601

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	MARY A. WHITING, ESQ.				
Address	214 SLOSSON AVE				
Address					
City	STATEN ISLAND	State	N.Y.	Zip	10314
Country	U.S.A.				
Telephone	718-448-9599	Fax	718-447-8299		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

Name	ROBERT R. PEDERSON		
Signature	Robert R. Pederson		
Date	8-13-2003	Telephone	718-482-8791

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	29/154901
Filing Date	11/30/08
First Named Inventor	ROBERT R. PEDERSON
Title	BOB'S BORDER HELPER
Art Unit	
Examiner Name	
Attorney Docket Number	MAW-03-03

I hereby appoint:

☐

Practitioners at Customer Number:

OR

☒

Practitioner(s) named below:

Name	Registration Number
MARY A. WHITING, ESQ	30,601

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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The address associated with Customer Number:

OR

☒

Firm or Individual Name

MARY A. WHITING, ESQ.

Address

214 SIOSSON AVE

Address

City

STATEN ISLAND

State

N.Y.

Zip

10314

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U.S.A.

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718-448-9599

Fax

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I am the:

☒

Applicant/Inventor.

☐

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

Name

JAMES C. CICCONE, SR.

Signature

James C. Ciccone, Sr.

Date

8-13-2003

Telephone

718-603-6663

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒

Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

\*\*\*\*\*

TRANSACTION REPORT

FOR: M A WHITING,ESQ

AUG-13-2003 01:14 PM

718 448 9599

SEND

DATE	START	RECEIVER	PAGES	TIME	NOTE
AUG-13	01:09 PM	17033063424	9	4'29"	OK

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Date: 09/26/03

Respond to: ROBERT PEDERSON  
191 WILD AVENUE  
STATEN ISLAND, NY 10314

Newly Assigned Application No. 10/666934

Applicant: ROBERT R. PEDERSON; JAMES C. CICCONI SR

Title: BOB'S BORDER HELPER

Filing Date: 01/30/02

NOTICE OF NEWLY ASSIGNED APPLICATION NUMBER 10/666934

The above-identified patent application was previously assigned Application Number 29154901. The Examiner Interview Summary Record mailed \_\_\_\_\_, indicates that you intended to file a Utility Application and not a Design Application.

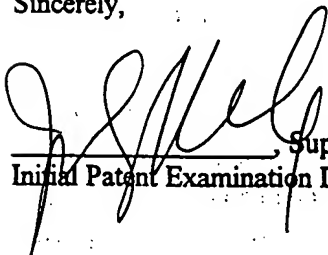
Accordingly, Application No. 29154901 has been inactivated and the application has been assigned the new application number identified above.

After the office reviews your application and verifies that all fees and obligations have been met, you will receive a filing receipt and notice. The new application number assigned to the application is listed in the heading of this letter.

Please correct your records and refer to the new application number in all future correspondence to the U. S. Patent and Trademark Office.

If you have any questions about this matter, please contact Customer Service, Initial Patent Examination Division, at (703) 308-1202.

Sincerely,

  
\_\_\_\_\_, Supervisor  
Initial Patent Examination Division



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/666,934		Robert R. Pederson	

MARY A. WHITING, ESQ.  
214 SLOSSON AVE.  
STATEN ISLAND, NY 10314

CONFIRMATION NO. 8115

## WITHDRAWAL NOTICE



\*OC000000010936795\*

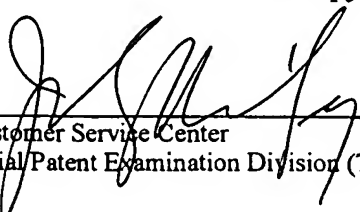
Date Mailed: 10/23/2003

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 02/27/2002 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

1-703-305-7608  
Joyce Reilly

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/666,934	01/30/2002	Robert R. Pederson	

MARY A. WHITING, ESQ.  
 214 SLOSSON AVE.  
 STATEN ISLAND, NY 10314

CONFIRMATION NO. 8115

## FORMALITIES LETTER



\*OC000000011092007\*

Date Mailed: 10/23/2003

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- o The specification is missing.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*
- o The statutory basic filing fee is insufficient.  
*Applicant must submit \$ 220 to complete the basic filing fee for a small entity.*
- o The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

**SUMMARY OF FEES DUE:**

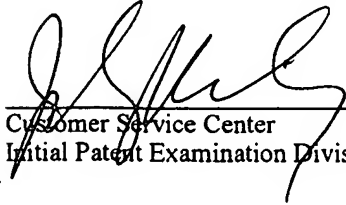
Total additional fee(s) required for this application is \$220 for a Small Entity

- o \$220 Statutory basic filing fee.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

Al xandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No.:10/666,934**

**Inventors: ROBERT R. PEDERSON AND JAMES C. CICONI, SR.**

**Filing Date: 1/30/2002**

**Title: BOB'S BORDER HELPER**

**STATE OF NEW YORK    )**

**COUNTY OF RICHMOND)**

**Hon. Commissioner of Patents**

**Washington, D.C.**

**I, Robert R. Pederson, declares as follows:**

1.     I am a co-inventor to invention "Bob's Border Helper" with James C. Cicconi, Sr.
2.     All references to "we" or "our" refer to myself and Mr. James C. Cicconi, Sr.
3.     I reside at 191 Wild Avenue, Staten Island, New York 10314.
4.     I have read the "Withdrawal of Previously Sent Notice" and "Notice of Incomplete Nonprovisonal Application" mailed 10/23/2003.
5.     In my opinion, as inventor, our application for the original intended utility application #29/154,901, (reassigned number 10/666,934), was complete and should be entitled to the 1/30/2002 filing date.
6.     On January 29, 2002, two applications, both entitled "Bob's Border Helper" to the United States Patent Office, (USPTO), were mailed by Express Mail.
7.     One application was intended to be a utility application, and one application to be a design application.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

8. Check # 322 for \$370 was intended to be applied to the utility application, and check #321 for \$165 was intended to be applied to the design application. (Copies of both checks are attached as Exhibit 1).
9. We did not use an attorney to prepare and file both our applications.
10. I drew figures for both applications. One set was intended for the design application, the other set for the utility application (Figures for the intended utility application are attached as Exhibit 2).
11. I mistakenly filled out form PTO/SB/18 (08-00) Design Patent Application Transmittal and submitted it with the intended utility application. It should have been the form for the utility application. (Copy attached as Exhibit 3).
12. With the intended utility application, we also submitted: fee transmittal form, specification with claim, drawings, executed oath or declaration, application data sheet, disclosure document deposit request form (in duplicate), and return postcard. I attach a copy of the original specification and claim (Exhibit 4). Although we intended a utility application, we mistakenly referred to it as a design.
13. I enclose a copy of the postcard, showing the 1/30/2002 filing date (Exhibit 5).
14. I did not keep photo static copies of what was filed with the USPTO.
15. The USPTO cashed both checks on 2/8/2002.
16. On 2/27/2002, a filing receipt was mailed, and since we did not have an attorney, I did not notice the errors in the filing receipt. I did not question why the full

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

\$370 (check #322 for \$370 was cashed by the USPTO), was not applied to the utility application. I assumed the USPTO was correct.

17. No "Notice to File Missing Parts" was mailed at that time. Therefore I assumed everything was correct.
18. When the \$165 was refunded from the USPTO, on 4/02/2002, I did not question why the full \$370 was not applied to the utility application, I assumed the USPTO was correct and cashed the refund check for \$165.
19. When the first official action was mailed 7/31/2003, for application 29/155,978, this was the first time I had notice that there was a problem.
20. My co-inventor spoke to Examiner Nelson on or about July 2003 or early August 2003; he said he didn't understand why he had two application numbers for the same invention, and referred us to Mr. Alan Duglass, Supervisor, Art Unit 2911, since Supervisor Delores Coles was on vacation. He said he was assigned the intended design application 29/155,978, and that we should discuss the other application number (29/154,901), with Mr. Duglass, since we intended that to be a utility application. Examiner Nelson said there obviously was some sort of error and that Mr. Duglass should be able to assist us getting it straightened out.
21. Mr. Alan Duglass Supervisor for art unit 2911, at telephone # 703-305-3255 on or about July 2003 or early August 2003, advised that there was some error on the part of the USPTO, and apologized. He also said that he would look into the matter and straighten out the errors made by the USPTO, regarding not assigning a utility application number to the application that the \$370 was meant for.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

22. Since the first official action advised that counsel would be beneficial, we then contacted counsel, Mary A. Whiting, who we have retained as counsel to prosecute both applications with the USPTO.
23. The "Notice of Acceptance of Power of Attorney" for 29/154,901 was mailed 8/26/2003.
24. We received a "Notice of Newly Assigned Application Number" dated 9/26/2003, assigning number 10/666,934 to the intended utility application that was incorrectly numbered 29/154,901.
25. On 10/6/2003 we filed an amendment to correct intended design application 29/155,798, with substitute specification, substitute claims, and new informal drawings. Since the original application did contain a fee, specification, claim, oath and drawings, while it was complete, although incorrect. The amendment corrects these incorrect elements.
26. On 10/23/2003 a "Notice of Incomplete Nonprovisional Application" and "Withdrawal of Previously Sent Notice" for utility application 10/666,934 was mailed.
27. We are filing this Petition in order for the intended utility application 10/666,934 to maintain its original filing date of 1/30/2002. Our original intended utility application was complete, since it contained, a check for \$370 for the utility small entity fee, specification, claim, oath, and drawings.
28. We are filing a substitute specification, substitute claims, oath, and new formal drawings to correct the errors in the original complete application filed 1/30/2002.

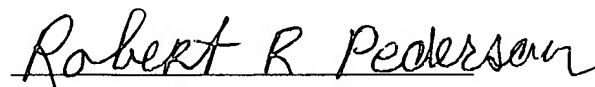


Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

29. We are submitting check # 1791 for \$220, as requested. However, if the original \$370 had not been split apart by the UPSTO, and \$165 had not been refunded, the original filing fee of \$370 would have been paid in full with check #322 on the original application filing date of 1/30/2002.
30. We think the \$220 amount is the wrong amount, but since it is requested by the USPTO, we are submitting it. We request all amounts due us after this matter is resolved to be refunded to us.
31. We also submit check # 1790 for \$130 for the Petition fee.


**I hereby declare**, that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are so punishable by fine, imprisonment or both, under section 1001 Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application and any patent issuing thereon, or nay patent to which this verified statement is directed.

Dated: December 1, 2003



Robert R. Pederson

Sworn to be me this 1st day of  
December, 2003



NOTARY  
MARY A. WHITING  
Notary Public, State of New York  
No. 024415625124  
Qualified in Richmond County  
Term Expires February 28, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:10/666,934

Inventors: ROBERT R. PEDERSON AND JAMES C. CICONI, SR.

Filing Date: 1/30/2002

Title: BOB'S BORDER HELPER

STATE OF NEW YORK )

COUNTY OF RICHMOND)

Hon. Commissioner of Patents

Washington, D.C.

I, James C. Cicconi, Sr., declares as follows:

1. I am a co-inventor to invention "Bob's Border Helper" with Robert R. Pederson.
2. All references to "we" or "our" refer to myself and Mr. Pederson.
3. I reside at 79 Bentley Avenue, Staten Island, New York 10307.
4. I have read the "Withdrawal of Previously Sent Notice" and "Notice of Incomplete Nonprovisonal Application" mailed 10/23/2003.
5. In my opinion, as inventor, our application for the original intended utility application #29/154,901, (reassigned number 10/666,934), was complete and should be entitled to the 1/30/2002 filing date.
6. On January 29, 2002, I witnessed my co-inventor, Robert R. Pederson, mail two applications, both entitled "Bob's Border Helper" to the United States Patent Office, (USPTO), by Express Mail.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

7. One application was intended to be a utility application, and one intended to be a design application.
8. Check # 322 for \$370 was intended to be applied to the utility application, and check #321 for \$165 was intended to be applied to the design application. (Copies of both checks are attached as Exhibit 1).
9. We did not use an attorney to prepare and file both our applications.
10. I witnessed Mr. Pederson draw the figures for both applications. One set was intended for the design application, the other set for the utility application (Figures for the intended utility application are attached as Exhibit 2).
11. Mr. Pederson mistakenly filled out form PTO/SB/18 (08-00) Design Patent Application Transmittal and submitted it with the intended utility application. It should have been the form for the utility application. (Copy attached as Exhibit 3).
12. With the intended utility application, we also submitted: fee transmittal form, specification with claim, drawings, executed oath or declaration, application data sheet, disclosure document deposit request form (in duplicate), and return postcard. I attach a copy of the original specification and claim (Copies attached as Exhibit 4). Although we intended a utility application, we mistakenly referred to it as a design.
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15. The USPTO cashed both checks on 2/8/2002.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

16. On 2/27/2002, a filing receipt was mailed, and since we did not have an attorney, I did not notice the errors in the filing receipt. I did not question why the full \$370 (check #322 for \$370 was cashed by the USPTO), was not applied to the utility application. I assumed the USPTO was correct.
17. No "Notice to File Missing Parts" was mailed at that time. Therefore I assumed everything was correct.
18. When the \$165 was refunded from the USPTO, on 4/02/2002, I did not question why the full \$370 was not applied to the utility application, I assumed the USPTO was correct and cashed the refund check for \$165.
19. When the first official action was mailed 7/31/2003, for application 29/155,978, this was the first time I had notice that there was a problem.
20. I contacted the USPTO and discussed both applications with the USPTO representative Mr. Alan Duglass Supervisor for the Art Unit 2911, on or about late July or early August 2003, and he advised that he would speak to Examiner Charles Nelson and Supervisor Examiner Dolores Coles, and that the USPTO would correct the paperwork errors.
21. I spoke to Examiner Nelson on or about July 2003 or early August 2003; he said he didn't understand why he had two application numbers for the same invention, and referred us to Mr. Alan Duglass, Supervisor, Art Unit 2911, since Supervisor Delores Coles was on vacation. He said he was assigned the intended design application 29/155,978, and that we should discuss the other application number (29/154,901), with Mr. Duglass, since we intended that to be a utility application.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

22. I also told Examiner Nelson that since I had mailed in two checks (one for design and one for utility patent), and that I didn't understand why I received a refund and two design patent numbers. Examiner Nelson said there obviously was some sort of error and referred me to Mr. Duglass who would be able to assist us getting it straightened out.
23. Mr. Alan Duglass Supervisor for art unit 2911, at telephone # 703-305-3255 on or about July 2003 or early August 2003, advised us that there was some error on the part of the USPTO, and apologized. He also said that he would look into the matter and straighten out the errors made by the USPTO, regarding not assigning a utility application number to the application that the \$370 was meant for.
24. Since the first official action from Examiner Nelson said that retaining counsel would be beneficial to us, we contacted counsel, Mary A. Whiting, who we have retained as counsel to prosecute both applications with the USPTO.
25. The "Notice of Acceptance of Power of Attorney" for 29/154,901 was mailed 8/26/2003.
26. We received a "Notice of Newly Assigned Application Number" dated 9/26/2003, assigning number 10/666,934 to the intended utility application that was incorrectly numbered 29/154,901.
27. On 10/6/2003 we filed an amendment to correct intended design application 29/155,798, with substitute specification, substitute claims, and new informal drawings. Since the original application did contain a fee, specification, claim,

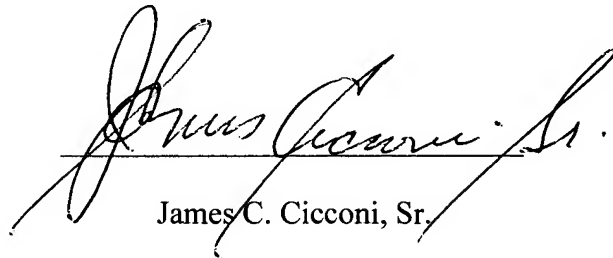
Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

- oath and drawings, while it was complete, although incorrect. The amendment corrects these incorrect elements.
28. On 10/23/2003 a "Notice of Incomplete Nonprovisonal Application" and "Withdrawal of Previously Sent Notice" for utility application 10/666,934 was mailed.
29. We are filing this Petition in order for the intended utility application 10/666,934 to maintain its original filing date of 1/30/2002. Our original intended utility application was complete, since it contained, a check for \$370 for the utility small entity fee, specification, claim, oath, and drawings.
30. We are filing a substitute specification, substitute claims, oath, and new formal drawings to correct the errors in the original complete application filed 1/30/2002.
31. We are submitting check # 1791 for \$220, as requested. However, if the original \$370 had not been split apart by the UPSTO, and \$165 had not been refunded, the original filing fee of \$370 would have been paid in full with check #322 on the original application filing date of 1/30/2002.
32. We think the \$220 amount is the wrong amount, but since it is requested by the USPTO, we are submitting it. We request all amounts due us after this matter is resolved to be refunded to us.
33. We also submit check # 1790 for \$130 for the Petition fee.

Declaration of Applicant Robert R. Pederson  
Application No. 10/666,934  
Title: Bob's Border Helper  
Filed: 1/30/2002

I hereby declare, that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are so punishable by fine, imprisonment or both, under section 1001 Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application and any patent issuing thereon, or nay patent to which this verified statement is directed.

Dated: December 1, 2003



James C. Cicconi, Sr.

Sworn to be me this 1st day of  
December, 2003



NOTARY

MARY A. WHITING  
Notary Public, State of New York  
No. 02WH5029124  
Qualified in Richmond County  
Term Expires February 28, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/154,901	01/30/2002	Robert R. Pederson	

CONFIRMATION NO. 8115



\*OC000000010763873\*

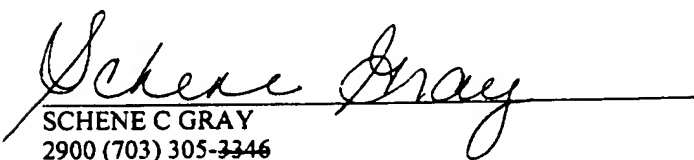
MARY A. WHITING, ESQ.  
214 SLOSSON AVE.  
STATEN ISLAND, NY 10314

Date Mailed: 08/26/2003

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/03/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

  
SCHENE C GRAY  
2900 (703) 305-3346  
3199

ATTORNEY/APPLICANT COPY



**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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MARY A. WHITING ESQ.  
214 SLOSSON AVENUE  
STATEN ISLAND, NY 10314

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No. 1804

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*Mary A. Whiting*

MP

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\*ANTIQUE

MARY A. WHITING  
ATTORNEY AT LAW  
214 SLOSSON AVENUE  
STATEN ISLAND, NEW YORK 10314  
TELEPHONE (718) 448-9599  
FAX (718) 447-8299

VIA EXPRESS MAIL EU814884201US

December 17, 2003

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: Application No.: 10/666,934  
Title: BOB'S BORDER HELPER  
Inventors: Robert R. Pederson and James c. Cicconi, Sr.  
Filed: 1/30/2002

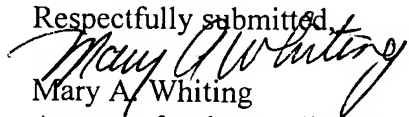
Dear Commissioner:

In response to the Notice of Incomplete Nonprovisonal Application dated 10/23/2003, my firm encloses the following:

- Check #1804 for \$220 (basic filing fee)
- Complete new specification and claims (19 pages)
- New Drawings (Figures 1, 2, 2a, 2B, 2c, #, #A, 3B, and 4) (4 sheets)
- Powers of attorney signed by both Applicants (2 pages)
- Supplemental Declaration signed by both Applicants (2 pages)
- Notice of Incomplete Nonprovisional Application mailed 10/23/2003 (2 pages)
- Certificate of Mailing (1 page)
- Postcard
- Transmittal Form (1 page)
- Fee Transmittal Form (1 page)
- Utility Patent Application Transmittal (1 page)

Please direct all correspondence to the address and phone number above.

Respectfully submitted,

  
Mary A. Whiting  
Attorney for the Applicants  
Reg. No. 30,601

Encs:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **SUPPLEMENTAL DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.67)**

Attorney Docket Number	
First Named Inventor	ROBERT R. PEDERSON
COMPLETE IF KNOWN	
Application Number	10/666,934
Filing Date	1/30/2002
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BOB'S BORDER HELPER

the specification of which

(Title of the invention)

☐ is attached hereto

OR ORIGINAL FILED ON

☒ was filed on (MM/DD/YYYY)

1/30/2002

as United States Application Number or PCT International

Application Number

29,154,901

changed to #

10/666,934

and was amended on (MM/DD/YYYY)

I hereby declare that the subject matter of the ☐ attached amendment ☐ amendment filed on  was part of the invention and was invented before the filing date of the original application, above identified for such invention.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## SUPPLEMENTAL DECLARATION — UTILITY OR DESIGN PATENT APPLICATION

Direct all correspondence to: ☒ Customer Number:  OR ☐ Correspondence address below

Name **MARY A. WHITING, ESQ.**

Address **LAW OFFICES**

Address **214 SLOSSON AVENUE**

City **STATEN ISLAND**

State **NEW YORK**

ZIP **10314**

Country **U.S.A.**

Telephone **718-448-9599**

Fax **718-447-8299**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name **ROBERT**

Family Name or Surname **PEDERSON**

Inventor's Signature **Robert R. Pederson**

Date **12/1/2003**

Residence: City **STATEN ISLAND**

State **N.Y.**

Country **U.S.A.**

Citizenship **U.S.A.**

Mailing Address **191 WILD AVENUE**

Mailing Address

City **STATEN ISLAND**

State **N.Y.**

ZIP **10314**

Country **U.S.A.**

Name of Second Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name **JAMES**

Family Name or Surname **CICCONI**

Inventor's Signature **James F. Cicconi**

Date **12/1/2003**

Residence: City **STATEN ISLAND**

State **N.Y.**

Country **U.S.A.**

Citizenship **U.S.A.**

Mailing Address **79 BENTLEY STREET**

Mailing Address

City **STATEN ISLAND**

State **N.Y.**

ZIP **10307**

Country **U.S.A.**

☐ Additional inventors or a legal representative are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/ 02A or 02LR attached hereto.

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/666934
Filing Date	11/30/2002
First Named Inventor	Robert R. Pederson
Title	Bob's Border Helper
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Mary A. Whiting	30,601

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or individual Name	Mary A. Whiting				
Address	214 Slosson Avenue				
Address					
City	Staten Island	State	New York	Zip	10314
Country	U.S.A.				
Telephone	718-448-9599	Fax	718-447-8299		

I am the

☒ Applicant/Inventor☐ Assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/56)**SIGNATURE of Applicant or Assignee of Record**

Name	Robert R. Pederson		
Signature	<i>Robert R. Pederson</i>		
Date	10-14-03	Telephone	718-932-8791

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

The collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	10/666 934
Filing Date	11/30/2002
First Named Inventor	Robert R. Pederson
Title	Bob's Border Helper
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Mary A. Whiting	30,601

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Mary A. Whiting				
Address	214 Slosson Avenue				
Address					
City	Staten Island	State	New York	Zip	10314
Country	U.S.A.				
Telephone	718-448-0596	Fax	718-447-8299		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## **SIGNATURE of Applicant or Assignee of Record**

Name	James C. Cicconi, Sr.				
Signature	<i>James C. Cicconi, Sr.</i>				
Date	10-14-03	Telephone	718-605 6663		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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